CURRICULUM VITAE
University of Idaho

NAME: **DONALD L. BURNETT, JR.** **DATE:** 19 May 2014

RANK OR TITLE: Professor of Law
Dean Emeritus and Past Interim President

DEPARTMENT: College of Law

CONTACT DATA: Menard Law Building
Rayburn and Idaho Streets
University of Idaho
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DATE OF FIRST EMPLOYMENT AT UI: June 23, 2002

DATE OF TENURE: June 23, 2002 (decanal appointment)

DATE OF PRESENT RANK OR TITLE: June 23, 2002

EDUCATION BEYOND HIGH SCHOOL:

Degrees:

LL.M.	University of Virginia School of Law	1990
J.D.	University of Chicago Law School	1971
A.B.	Harvard University *magna cum laude*	1968

Diploma:

Command & General Staff College, U.S. Army ("Commandant's List")	1993

EXPERIENCE:

Academic:

Professor, University of Idaho College of Law Dean, 2002-2013 Interim President, University of Idaho, 2013-2014	2002 – present
Professor, Brandeis School of Law, University of Louisville Dean, Brandeis School of Law (1990-2000)	1990 – 2002

Professional:

Judge, Idaho Court of Appeals Appointed by Governor 1982 Elected on state-wide ballot 1986	1982 – 1990

Practicing Attorney, Pocatello, Idaho 1972 – 1982
Affiliations and Contract Positions:
Burnett & Winmill 1979 – 1981
Burnett, Woodland & Hawkes 1975 -- 1977
Judge, Shoshone-Bannock Tribal Court 1979 – 1981
Executive Director, Idaho Judicial Council 1976 – 1981
Hearing Officer, Idaho Dept. Health & Welfare 1977 – 1980
Assistant Attorney General, State of Idaho 1972 – 1974
Judicial Clerk to Chief Justice, Idaho Supreme Court 1971 – 1972

Military:

Judge Advocate General's Corps, U.S. Army Reserve 1976 – 2000
Rank at retirement: Colonel
Principal Awards:
U.S. Armed Forces Legion of Merit (2001)
U.S. Army Commendation and Achievement Awards (1996, 1988, 1986)
Primary Assignments:
Reserve Deputy Commandant & Academic Director
The Judge Advocate General's School of the Army
Reserve Chief, Legal Assistance, Fort Knox, Kentucky
Member, Army Nat'l Legal Assistance Advisory Committee
International Law Officer/Exec Officer, 86th JAG Detachment
Boise, Idaho
Certified Trial and Defense Counsel for Courts Martial
Medical Service Corps (Personnel Admin.), U.S. Army Reserve 1970 – 1976
Enlisted Service, Idaho National Guard and U.S. Army Reserve 1969 – 1970

TEACHING ACCOMPLISHMENTS:

Areas of Specialization:

Professional Responsibility (Ethics), Indian Natural Resources, Constitutional Criminal Procedure, Law and Economic Analysis, Judicial Decision-Making, Civil Procedure, Law and Literature, Legal Research and Writing

Courses Taught:

University of Idaho College of Law:
Professional Responsibility (Law 962)
Criminal Procedure (Law 953)
Indian Natural Resources (Law 901)
Civil Procedure (Law 805) (commencing Fall, 2014)
Law, Literature, and Cinema
(University of Idaho Undergraduate Honors Program Seminar)
Jurisprudence, Economics, and Idaho Law (adjunct instruction)

University of Louisville, Louis D. Brandeis School of Law:
Professional Responsibility
Constitutional Criminal Procedure
Law and Economic Analysis
Judicial Decision-Making

Civil Procedure
Basic Legal Skills (Legal Research and Writing)
Interdisciplinary Masters Degree Program/Environmental Emphasis
Economic Foundations of Environmental Law and Policy

Visiting Lectures at Foreign Law Schools:
ILS Law College, Pune University, Pune, India, comparative law lectures (2000)
Daito Bunka University Faculty of Law, Tokyo, Japan, and Kagawa University Faculty of Law, Takamatsu, Japan, comparative law Lectures (1998)
Johannes Gutenberg - Universitat, Mainz, Germany, comparative law Lectures (1995)

Students Advised:
1-2 per year (law review and upper-division writing at Idaho and Brandeis)

Materials Developed:
Professionalism readings and exercises
Judicial Decision-Making readings and materials

Courses Developed:
Law and Economic Analysis
Judicial Decision-Making
Law, Literature, and Cinema

Non-Credit Classes, Workshops, Seminars, Invited Lectures, etc.:
See heading of "Selected Presentations" below

Honors and Awards (Teaching): n/a
See general heading of "Honors and Awards" below

SCHOLARSHIP ACCOMPLISHMENTS:

Publications:

Book Chapters

"A Global Theatre of Justice? O.J. Simpson and Gutenberg's Second Wave," BRANDEIS MEETS GUTENBERG: GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011, pp. 19-25 (Dieter Dorr, Udo Fink, Russell Weaver, Tobias Keber, eds., Res Publica/Peter Lang, Frankfurt am Main, 2012 (published in English and German)

"The Law and Economics Movement: Can It Illuminate India's Environmental Issues?" LIBERTY, EQUALITY AND JUSTICE: STRUGGLES FOR A NEW SOCIAL ORDER, pp. 293-318 (S.P. Sathe and Sathya Narayan, eds., Institute for Advanced Legal Studies, ILS Law College, Pune, India, 2003)

Law Review Articles

Idaho's Law School and Law Review: Bringing Scholarship into Our Second Century, 46 IDAHO LAW REVIEW 1 (2009) (introduction to centennial edition)

Giants of a Golden Age: An Appreciation of Professors Dennis Colson and Craig Lewis, 44 IDAHO LAW REVIEW 537 (2008)

Neither Mess nor Menace: Legal Education and the Erudite Apprentice, 18 THE PROFESSIONAL LAWYER 2 (2008)

A Cancer on the Republic: The Assault upon Impartiality of State Courts and the Challenge to Judicial Selection, 24 FORDHAM URBAN LAW JOURNAL 265 (2007)

Professionalism's Second Wave: A Sampling of Issues Arising within Legal Education, 36 U. TOLEDO L. REV. 19 (2004)

The Brandeis Vision, 37 BRANDEIS L. J. 1 (1999) (short article), reprinted in BRANDEIS AT 150: THE LOUISVILLE PERSPECTIVE (Butler Books, Louisville, Kentucky, 2006)

Professionalism: Restoring the Flame, 158 MILITARY L. REV. 109 (1998), translated with revisions, "Professionalism" in American Law and Legal Education, 9 DAITO HOGAKU (JOURNAL OF LAW AND POLITICS) 227 (Machii ed., Daito Bunka University, Tokyo, Japan, 1999)

Surface Water and Nuisance Law: A Proposed Synthesis, 20 IDAHO LAW REVIEW 185 (1984)

An Historical Analysis of the 1968 "Indian Civil Rights Act," 9 HARVARD JOURNAL ON LEGISLATION 557 (1972), reprinted in THE INDIAN BILL OF RIGHTS, 1968 (NATIVE AMERICANS AND THE LAW: CONTEMPORARY AND HISTORICAL PERSPECTIVES ON AMERICAN INDIAN RIGHTS, FREEDOMS, AND SOVEREIGNTY) (John R. Wunder, ed., 1996)

Indian Hunting, Fishing and Trapping Rights: The Record and the Controversy, 7 IDAHO LAW REVIEW 49 (1971)

Articles and Essays for Professional Journals

"Educating the Next Generation of Trial Lawyers," *Idaho Trial Lawyers Association Journal*, vol. 40, no. 1 (2011), at p. 4

"Law Clerking: 'My Favorite Year'," *The Advocate*, vol. 53, no. 3 (Idaho State Bar, March-April, 2010), at p. 26

"Let Our Minds Be Bold – Stepping into the Second Century," *The Advocate*, vol. 52, no. 11/12 (Idaho State Bar, November-December, 2009), at p. 31

"A Pathway of Professionalism: The First Day of Law School at the University of Idaho," *The Advocate*, vol. 52, no. 2, at p. 17 (Idaho State Bar, February, 2009)

"Much Has Changed: Diversity and Opportunity at the University of Idaho College of Law," *The Advocate*, vol. 51, no. 2, at p. 20 (Idaho State Bar, February, 2008)

"University of Idaho Weighs Future Options in Statewide Legal Education," *The Advocate*, vol. 50, no.9, at p. 37 (Idaho State Bar, Sep. 2007)

"Mandatory Reporting of Pro Bono: Premises Beneath the Controversy," Legal Ethics Forum (www.legalethicsforum.com), June 16, 2006

"To Discountenance the Haughty and the Lawless: The Ethics of Dealing with Bad Clients," *The Advocate*, vol. 47, no. 9, at p. 8 (Idaho State Bar, September, 2004)

"Multijurisdictional Practice: An Emerging Issue for a Changing Profession," *The Advocate*, vol. 46, no. 6, at p. 33 (Idaho State Bar, June, 2003)

"Becoming America's Best Small State Law School: A Vision for the University of Idaho College of Law," *The Advocate*, vol. 45, no. 12, at p.11 (Idaho State Bar, December, 2002)

"An Aim High and a Vision Broad: The Public Responsibilities of a Public Profession," *The Advocate*, vol. 45, no. 6, at p. 12 (Idaho State Bar, June, 2002)

"Why is the Judiciary Different?" (short essay), *Kentucky Journal* (Kentucky Center for Public Issues), Summer 2001 [issue devoted to judicial reform], at p.6

"Strategic Directions in Legal Education for Idaho," *The Advocate*, vol. 43, no. 6, at p. 15 (Idaho State Bar, 2000) (co-authored with Deans Frank Tom Read and Betsy Levin)

"Professionalism: Restoring the Flame" (abbreviated and modified from *Military Law Review* article listed above), *Kentucky Bench and Bar*, vol. 63, no. 2, at p. 7 (Kentucky Bar Association,1999), and *The Advocate*, vol. 42, no. 9, at p. 8 (Idaho State Bar, 1999)

"Politics and Judicial Independence: A Kentucky Dilemma" (short essay), *Bar Briefs*, vol. 98, no. 1, at p. 12 (Louisville Bar Association, January 1998); update published as "A Time to Consider Judicial Reform, *Kentucky Journal* (Kentucky Center for Public Issues, Nov.-Dec., 1999), at 18.

Introductory message, 3 *Adelphia L. Rev.* ix (Delta Theta Phi, 1999) (short essay on Brandeis legacy)

"Old Stereotypes and New Realities in Legal Education," *Kentucky Bench & Bar*, vol. 59, no. 4, at p. 19 (Kentucky Bar Association, Fall 1995) (co-author: Carroll D. Stevens, Associate Dean, Yale Law School)

"Are Civil Juries Denying Due Process?" (short essay on punitive damages), *Kentucky Bench & Bar*, vol. 59, no. 2, at p. 19 (Kentucky Bar Association, Spring 1995)

"The Discipline of Clear Expression" (short essay), 32 *The Advocate* 8 (Idaho State Bar, June, 1989)

Essays written as co-editor and chief author of "Remand" (official publication of the Appellate Judges Conference, American Bar Association, 1986-90), including:

> "Can Front Line Appellate Courts Do Their Job?"
> (Vol. 3, No. 1)
>
> "Mass Toxic Torts: The New Face of Litigation?"
> (Vol. 3, No. 1)
>
> "Appellate Justice: Can the Ideal Be Real?"
> (Vol. 3, No. 2)
>
> "Tensions Between Highest and Intermediate Appellate Courts"
> (Vol. 3, No. 2)
>
> "Should Judges Make Law?"
> (Vol. 3, No. 3)
>
> "Heard a Good One Lately? The Future of Oral Argument"
> (Vol. 3, No. 4; Vol. 4, No. l)
>
> "Economic Theory in Judicial Decisions"
> (Vol. 3, No. 4; Vol. 4, No. l)
>
> "What Should Trial Judges Expect From Us?"
> (Vol. 4, Nos. 2-4)
>
> "The Rise of State Constitutional Law"
> (Vol. 5, Nos. 1-2)

"The Proposed Rules of Professional Conduct: Critical Concerns for Military Lawyers," *The Army Lawyer*, February, 1987, at p. 19

"Idaho's Court of Appeals: The First Four Years -- A Portrait in Numbers" (short essay), *The Advocate* (Idaho State Bar, April, 1986)

"Improving Idaho's Felony Sentencing System: One Judge's Perspective," *The Idaho Trial Lawyer* (Idaho Trial Lawyers Ass'n, Summer, 1985)

"In Search of Peaceful Settlements: An Idaho Judge Looks at Litigation and Its Alternatives," *The Advocate* (Idaho State Bar, August, 1985)

"Sentencing Discretion: Current Trends and Appellate Court Perspectives in Idaho" (coauthored), *The Advocate* (Idaho State Bar, September, 1984)

"The Media and the Courts: A Troubled Symbiosis," *The Advocate* (Idaho State Bar, November, 1983)

"Idaho Lawyers Evaluate Court of Appeals" (short essay), *The Advocate* (Idaho State Bar, March, 1983)

"What an Appellate Judge Wants to Read and Hear" (short essay), *The Idaho Trial Lawyer* (Idaho Trial Lawyers Ass'n, Fall, 1982)

"President's Message" (short essays on the legal profession), *The Advocate* (Idaho State Bar, September-December, 1981)

"The Idaho Divorce Book" (book review), *The Idaho Librarian* (April, 1981)

Special Reports

"Right and Justice … Without Delay," Report of the Task Force on Idaho's Court of Appeals: The Next Quarter Century and Beyond (co-authored), submitted to Idaho Supreme Court, December, 2007

"Kentucky's Forest Products and Resources: A Time for Wise Choices" (co-authored), Kentucky Roundtable on the Economy and the Environment (1996)

"Report of the Health Care Task Force," Louisville Area Chamber of Commerce (1992)

"Report to the Legislature, Governor and Supreme Court," Idaho Judicial Council (1976, 1980)

"Idaho Justice at the Grass Roots," Idaho Judicial Council (1972)

Other

"Introduction: 2011-12 Bellwood Keynote Address," 48 *Idaho Law Review* 73 (2011)

"Race and the Public Schools: Dissecting the Legal Issues before the Supreme Court" [published as "Understanding the Desegregation Case: Louisville's Plan Goes before the Supreme Court"], *The Courier-Journal* (Louisville, Kentucky), newspaper op-ed essay, October 1, 2006

"Law Watch," a weekly series of short essays on law for laypersons, *Idaho State Journal* (daily newspaper published in Pocatello, Idaho, 1978-79) (authored some essays, edited the others)

Appellate Court Opinions in Law-Developing Cases, by General Topic

(Selected from approximately 520 Court of Appeals opinions, authored from 1982 to 1990. Information is available by separate document to show the subsequent review and history of some cases, as well as to show the numbers of citations to these opinions in other court decisions and scholarly or professional publications.)

Appellate Review: Scope and Standards

Associates Northwest v. Beets, 112 Idaho 603, 733 P.2d 824 (Ct. App. 1987). Sets forth three-tiered standard for appellate review of discretionary decisions.

Avondale on Hayden. Inc. v. Hall, 104 Idaho 321, 658 P.2d 992 (Ct. App. 1983). Articulates standard for review of factual findings on documentary evidence and for review of rulings on motions for relief from default judgment.

Sheets v. Agro-West, 104 Idaho 880, 887, 664 P.2d 787, 794 (Ct. App. 1983) (concurring opinion joined by other members of Court). Explains need for judges to state reasons for discretionary decisions, and articulates distinction between "adjudicative" and "management" discretion.

State v. Urquhart, 105 Idaho 92, 665 P.2d 1102 (Ct. App. 1983). Enunciates standard for review of denial of defendant's motion for mistrial in a criminal case.

Business Organizations

Waters v. Double L, Inc., 114 Idaho 256, 755 P.2d 1294 (Ct. App. 1988), aff'd as modified, 115 Idaho 705, 769 P.2d 582 (1989). Analyzes right of dissenting corporate shareholders and procedures by which corporation must respond.

Civil Procedure

Aldape v. Akins, 105 Idaho 254, 668 P.2d 130 (Ct. App. 1983). Adopts modern version of res judicata in the form of claim preclusion.

Donaldson v. Donaldson, 111 Idaho 951, 729 P.2d 426 (Ct. App. 1986). Explains interrelationship of rules and case law governing personal jurisdiction over nonresident defendant in divorce case.

Glengary-Gamlin v. Bird, 106 Idaho 84, 675 P.2d 344 (Ct. App. 1983). Sets forth criteria of organizational standing to challenge administrative agency decisions.

Keesee v. Fetzek, 106 Idaho 507, 681 P.2d 600 (Ct. App. 1984). Abolishes "election of remedies" doctrine in Idaho, except insofar as waiver or estoppel may be shown.

Roll v. City of Middleton, 115 Idaho 833, 771 P.2d 54 (Ct. App. 1989). Analyzes right to new trial for jury misconduct and prescribes standard for evaluating prejudice.

Commercial Transactions and Contracts

Brown v. Yacht Club, 111 Idaho 195, 722 P.2d 1062 (Ct. App. 1986). Discusses meaning of "cloud on title" under warranty deed; articulates "expectation," "reliance" and "restitution" interests in contracts.

CIT Financial Services v. Herb's Indoor RV Center, 118 Idaho 185, 189, 795 P.2d 890, 894 (Ct. App. 1990) (dissenting opinion). Discusses commercial reasonableness and transfer of collateral under Article 9 of Uniform Code.

Hammon v. Farmers Insurance Group, 107 Idaho 770, 692 P.2d 1202 (Ct. App. 1984). Discusses uninsured motorist coverage for accident caused by swerving to avoid unidentified driver.

Hershey v. Simpson, 111 Idaho 491, 725 P.2d 196 (Ct. App. 1986). Defines "procedural unconscionability" and "substantive unconscionability" of contracts.

Rockwell Int'l Credit Corp. v. Valley Bank, 109 Idaho 406, 707 P.2d 517 (Ct. App. 1985). Synthesizes provisions of Article 9, Uniform Commercial Code, relating to loss of perfection, and re-perfection, of security interests.

Unigard Insurance Co. v. U.S. Fidelity & Guaranty Insurance Co., 111 Idaho 891, 728 P.2d 780 (Ct. App. 1986). Defines single "occurrence" under liability insurance policy.

Criminal Law (Substantive Law and Sentencing)

State v. Eubank, 114 Idaho 635, 759 P.2d 926 (Ct. App. 1988). Sets forth standards governing fixed life sentences in light of Idaho's Unified Sentencing Act.

State v. Gilman, 105 Idaho 891, 673 P.2d 1085 (Ct. App. 1983). Discusses due process requirements governing jury instructions on lesser included offenses.

State v. Knoll, 110 Idaho 678, 718 P.2d 589 (Ct. App. 1986). Sets forth alternative permissible methods of proving DUI charges.

State v. Mata, 106 Idaho 184, 677 P.2d 497 (Ct. App. 1984). Analyzes subjective and objective tests of entrapment.

State v. McDougall, 113 Idaho 900, 905, 749 P.2d 1025, 1030 (Ct. App. 1988). Special concurring opinion invites "renewed scholarly attention" to issue of whether *mens rea* requirement embraces more than mere intention to do a particular act.

State v. Olin, 111 Idaho 516, 725 P.2d 801 (Ct. App. 1987), aff'd on other grounds, 735 P.2d 984 (Idaho 1987). Extensive discussion by all three Court of Appeals judges, expressing different views regarding the relationship between, and proof of, the elements of burglary and the elements of larceny.

State v. Stiffler, 114 Idaho 935, 938, 763 P.2d 308, 311 (dissenting opinion). Addresses *mens rea* issue in context of "statutory" rape.

State v. Sanchez, 115 Idaho 776, 769 P.2d 1148 (Ct. App. 1989). Articulates standards of appellate review of sentences in light of Idaho Uniform Sentencing Act.

State v. Toohill, 103 Idaho 565, 650 P.2d 707 (Ct. App. 1982). Sets forth standards for reviewing indeterminate sentences, refusals to retain jurisdiction over criminal sentences, and objections to presentence investigation reports.

Wilson v. State, 113 Idaho 563, 746 P.2d 1022 (Ct. App. 1987). Discusses prison sanitation in light of "cruel and unusual punishment" clause of Eighth Amendment.

Criminal Procedure

Smith v. State, 115 Idaho 808, 770 P.2d 817 (Ct. App. 1989). Defines "refusal" to take blood-alcohol test under DUI statutes, and prescribes conditions under which initial refusal may be retracted.

State v. Curtis, 106 Idaho 483, 680 P.2d 1383 (Ct. App. 1984). Contains constitutional analysis of "implied consent" law, requiring submission to test of blood-alcohol content.

State v. Lawrence, 112 Idaho 149, 730 P.2d 1069 (Ct. App. 1986). Sets forth standards for granting new trial upon recanted testimony, for admission of expert testimony on delay in reporting of child abuse, and for admissibility of evidence of defendant's prior "good" acts in a criminal prosecution.

State v. Leatherwood, 104 Idaho 100, 656 P.2d 760 (Ct. App. 1982). Articulates requirements of due process in criminal case where evidence has been lost or destroyed. Sets forth unified test materiality of such evidence.

State v. Lopez, 107 Idaho 726, 692 P.2d 370 (Ct. App. 1984). Elaborates constitutional requirement that jury in criminal case constitute "fair cross section" of community.

State v. Moulds, 105 Idaho 880, 673 P.2d 1074 (Ct. App. 1983). Sets forth standards governing police responses to equivocal invocations of Miranda rights.

State v. Rusho, 110 Idaho 556, 716 P.2d 1328 (Ct. App. 1986). Sets forth constitutional limitation upon search of home, following report of intruder, where homeowner objects.

State v. Schaffer, 107 Idaho 812, 693 P.2d 458 (Ct. App. 1984). Addresses constitutional issues relating to seizure of person during search of premises, finding of probable cause upon false information in affidavit for warrant, and "good faith" exception to exclusionary rule.

State v. Thompson, 113 Idaho 466, 745 P.2d 1087 (Ct. App. 1987). Upholds use of pen register without a warrant under existing case law, but urges Idaho Supreme Court to hold that warrantless use of pen registers is contrary to state constitution.

State v. Wren, 115 Idaho 618, 768 P.2d 1351 (Ct. App. 1989). Explains "exigent circumstances" exception to warrant requirement in context of "hot pursuit."

Evidence

Johnson v. Emerson, 103 Idaho 350, 647 P.2d 806 (Ct. App. 1982). Examines use of motion *in limine* to exclude evidence of prior accidents and sets forth rule regarding timeliness of objections to arguments by counsel.

State v. Palin, 106 Idaho 70, 675 P.2d 49 (Ct. App. 1983). Interprets Idaho "rape shield" statute with respect to past sexual conduct of sex crime victim; articulates unified test of harmless error on constitutional and nonconstitutional issues.

State v. Pierce, 107 Idaho 96, 685 P.2d 837 (Ct. App. 1984). Elaborates case law and Idaho rule of evidence regarding impeachment of witness with prior felony.

Family Law

Brazier v. Brazier, 111 Idaho 692, 726 P.2d 1143 (Ct. App. 1986). Authorizes divorce courts to include future adjustments of child support in divorce decrees.

Stockdale v. Stockdale, 102 Idaho 870, 643 P.2d 82 (Ct. App. 1982). States Idaho law regarding informal transmutation of community or separate property.

Property

Bob Daniels & Sons v. Weaver, 106 Idaho 535, 681 P.2d 1010 (Ct. App 1984). States Idaho law regarding easements by necessity.

Fahrenwald v. LaBonte, 103 Idaho 751, 653 P.2d 806 (Ct. App. 1982). Articulates law relating to unreasonable withholding of consent to assignment or sublease of rented premises.

MacCaskill v. Ebbert, 112 Idaho 1115, 739 P.2d 414 (Ct. App. 1987). Establishes applicability of easement by necessity where property is physically "landlocked" rather than legally "landlocked".

Norwood v. Stevens, 104 Idaho 44, 655 P.2d 938 (Ct. App. 1982). Establishes law governing boundary by agreement where true boundary line is unknown, albeit undisputed.

Quintana v. Anthony, 109 Idaho 977, 712 P.2d 678 (Ct. App. 1985). Analyzes connection between mortgage foreclosure statutes and vendors' liens.

Torts

Carpenter v. Double R. Cattle Co., Inc., 105 Idaho 320, 669 P.2d 643 (Ct. App. 1983). Adopts and discusses test of nuisance liability under Restatement (Second) of Torts, based largely upon law-and-economics economics analysis.

Earl v. Cryovac, 115 Idaho 1087, 772 P.2d 725 (Ct. App. 1989). Sets forth standard of proof of causation in toxic tort case.

Fouche v. Chrysler Motors Corp., 103 Idaho 249, 646 P.2d 1020 (Ct. App. 1982). Enunciates elements of plaintiff's burden of proof in "crashworthiness" product liability suit.

Keller v. Holiday Inns, Inc., 105 Idaho 649, 671 P.2d 1112 (Ct. App. 1983). Discusses liability of landlord to employee's tenant injured by dangerous appliance on premises.

Smith v. King Creek Grazing Ass'n, 105 Idaho 644, 671 P.2d 1107 (Ct. App. 1983). Sets forth Idaho law governing liability for flow of surface water and articulates "civil law" rule with watercourse exception.

Wills and Trusts

Estate of McGurrin, 113 Idaho 341, 743 P.2d 994 (Ct. App. 1987). Case of national first impression, dealing with "witness" requirement for execution of will under Uniform Probate Code.

Legal Ethics: Formal Opinions of the Kentucky Bar Association
(Ethics Committee Chair and Principal Author)

KBA E-416 (2001)	Duties of insurance defense counsel in relation to litigation and practice guidelines imposed by the insurer
KBA E-417 (2001)	Limitations upon office-sharing by lawyers with persons or organizations not engaged in practice of law
KBA E-418 (2001)	Imputed disqualification of lawyers in office-sharing arrangements
KBA E-419 (2002)	*Ex parte* communications between prosecutors and judges

Honors and Awards (Scholarship): n/a
See general heading of "Honors and Awards" below

SERVICE AND OUTREACH

University Administration: Interim President, University of Idaho 2013-14

Major Committee Assignments as Dean and Faculty Member:
University of Idaho:

Coordinator, Idaho Law & Justice Learning Center (2014 – present)
Coordinating Dean, University-Wide Interdisciplinary Programs (Water Resources, Environmental Science, Professional Science Masters Programs (2011 – present)
Chair, University Ethical Guidance and Oversight Committee (2011 – present)
University Distinguished Professorship Advisory Committee (2011 – 2012)
UI Operation Education (Aid for Disabled Veterans) Advisory Committee (2010 – present)
Chair, Search Committee for Dean, College of Letters, Arts & Social Sciences (2006 – 07)

Chair, University General Counsel Search Committee (2006)
University Provost's Council (2005 – present)
University Development Council (2005 – present)
University President's Cabinet (2004-05)
Chair, University Diversity Initiatives Coordinating Group (2004-05)
Chair, Provost/Executive Vice President Search Committee (2004-05)
Chair, Screening Committee for Provost Interim Appointment (2004)
University Executive Council (2003-04)
University Council/Academic/Student Affairs Committee (2003-04)
University Faculty Council (2003-04)
University of Idaho Foundation Governance Task Force (2003 – 2005)
University Selection Committee on Award for Excellence in Research or Creative Activity (2003)
Academic Deans' Council (2002 – 2005)
Chair, University Steering Committee on Diversity and Human Rights (2002-04)
President's Select Committee on Strategic Directions for Legal Education in Idaho (with other law deans Frank T. Read and Betsy Levin, 1999)

University of Louisville:

Muhammad Ali Institute for Peacemaking and Conflict Resolution
Founding Leadership Council and Strategic Planning Group (2000 – 2002), and Concept Development Group, Office of University President (1999-2000)
Executive Cabinet and Council of Academic Deans (1990-2000)
Chair, Council of Academic Deans (1999-2000)
"Blue Ribbon Commission" on Reallocation and Reinvestment
University Challenge for Excellence Phase III (2000)
Interdisciplinary Steering Committee for Public Health Initiatives (1997 - 99)
Chair, Search Committees, Dean of the Graduate School (1997-98 and 1998-99)
Search Committee, Director of Office of Planning and Budget (1997-98)
Sexual Harassment Policy Study Group (1997-98)
Kentucky Institute for the Environment and Sustainable Development
Co-Founder of Institute and Chair, Center for Environmental Policy (1992-98)
University Retirement Incentives Study Group (1996)
Decanal Review Committee, Dean of the Graduate School (1995-96)
Chair, Governance and Commitment to Rules Compliance Committee, and Member, Steering Committee, University of Louisville Self-Study for NCAA Recertification
Chair, Organization, Administration and Corporate Entities Subcommittee, SACS University Accreditation Self-Study Committee (1994-96)
University Enrollment Management Committee (1994-96)
Center for Humanities and Civic Leadership, Presenter and Facilitator (various programs (1993—2002)
University Research Advisory Council (1993-96)
University Patent Policy Review Committee (1993-94)
University Distance Education Committee (1992-93)
University Technology Transfer Committee (1991-93)

Service to the Brandeis School of Law at the University of Louisville, as a faculty member (2001-2002):

Chair, International Law Opportunities Committee
Curriculum Committee
Professionalism and Public Service Committee
National Public Radio Programming Committee
Economic Welfare Committee

Professional and Scholarly Organizations:

As Interim President, University of Idaho

Chair, Idaho Higher Education Presidents' Council (2013-14)
Member, Presidents' Councils: Western Athletic Conference, Sun Belt Conference, Big Sky Conference

As a Law Professor and Dean

American Judicature Society
- National Advisory Council Steering Committee (2010 – present)
- Board of Directors (2003-05) and Advisory Council (2005 – present)
- Center for Judicial Independence and Accountability Task Force (2001 – 2003)

American Bar Foundation, Elected Fellow (2005 – present)
American Bar Ass'n, Section of Legal Education and Admissions to the Bar
- Professionalism Committee (2001-2008; Chair, 2004- 2008)
- Accreditation Site Inspection Team, SUNY Buffalo (1994)
- Joint Committee on Lawyer Regulation (2004 – 2008)

American Inns of Court
- Judge Ray McNichols Inn of Court, Moscow-Lewiston, Idaho (2002 – present)
- Louis D. Brandeis Inn of Court, Louisville, Kentucky (Co-founder. Master, and Master Emeritus, 1995 – 2002; President of the Inn, 1998-99)

Association of American Law Schools
- Executive Committee, Section on Post-Graduate Legal Education (2001-2004)
- National Pro Bono Project Advisory Board (1999-2000)
- Committee on Bar Admissions and Lawyer Performance (1996-2000)

Civil Justice Reform Committee, U. S. District Court, W. D. Ky. (1991-93)
Faculty Scholarship Peer Review (Wake Forest School of Law 2004)
Health Kentucky, Inc. (nonprofit provider of access to health care for indigent persons)
- Executive Committee (2000-2002)
- Board of Directors (1995 – 2002)

Idaho Law Foundation, Inc.
- Board of Directors (2002 – present)
- IOLTA Revenue Enhancement Committee (2008 – present)

Idaho State Bar
- Diversity Section, Founding Member (2008)
- Bar Examination Review Committee (2003 – 2008)
- Indian Law Section (2002 – present)
- Professionalism/Ethics Section (2001 – present)

Idaho Supreme Court, Task Force on the Court of Appeals: The Next Quarter Century (Chair, 2007)
Kentucky Center for Public Issues
Board of Directors (1997 – 2002)
Chair, Policy Council on the State Judiciary (2001 - 2002)
Kentucky Bar Association
Chair, Ethics Committee (2000 – 2002)
Kentucky Bar Foundation (1990 – 2000, delegated during 1993-2000)
Conclave on Legal Education Program Committee (1995-96)
Annual Convention Program Committee (1994)
Publications Committee (1992-96)
Legal Internship and Residency Committees (1991 – 99)
Kentucky Roundtable on the Economy and the Environment
Member by gubernatorial appointment (1995–98)
Presiding Officer (1996-98)
Kentucky Supreme Court/Administrative Office of the Courts, Implementation Task Force for Racial/Ethnic Fairness in Kentucky Courts
Chair, Subcommittee on Diversity in the Legal Profession (1999 – 2002)
Judicial Education Committee (1990-2002)
Louisville Area Chamber of Commerce, Chair, Health Care Issues Task Force (1992-93)
Louisville Bar Association (1990 – 2000, delegated during 1996-2000)
Louisville Bar Foundation (1990 – 2000, delegated during 1996-99)
Olmsted Parks Conservancy (nonprofit organization preserving legacy of urban landscape architect Frederick Law Olmsted), Strategic Planning Group (2000-01)
"People's Law" Public Radio Program, co-creator and co-host (1991-93)
State Justice Institute, Consultant, Appellate Court Structure Study (1993)

As a Lawyer and Judge:
American Bar Association
National Co-Editor/Author, "Remand" (Appellate Judges Conference, 1986-90)
Idaho Law Foundation Appellate Handbook Committee (Co-chair, 1985 and 1989)
Idaho State Bar (President, 1981)
Professional Conduct Standards Committee (Chair, 1981-82)
Appellate Backlog Study Committee (Chair, 1979-80)
Board of Commissioners of the State Bar (1979-81)
Sixth District of the State Bar (President, 1978)
Idaho Supreme Court/Administrative Office of the Courts
Committee on Computer-Assisted Legal Research (Chair, 1984-85)
Memorial Committee (Chair, 1977)

Honors and Awards: n/a
See general heading of "Honors and Awards" below

PROFESSIONAL DEVELOPMENT:
American Bar Association Section of Legal Education and Admissions to the Bar
Annual Deans' Workshop (most years, 1990 – present)
Biennial Law School Development Workshop (most years, 1990-present)
Association of American Law Schools, Annual Meetings (most years, 1990 – present)

HONORS AND AWARDS:

Honorary Member (distinguished service), Univ. of Idaho Alumni Association (2014)
Distinguished Service to Agriculture Award, Idaho Ag Summit (2014)
Distinguished Lawyer Award, Idaho State Bar (2009)
Professionalism Award, Idaho State Bar (2006)
Elected Fellow, American Bar Foundation (2005 – present)
Outstanding Faculty Service Award (presented by U. of Idaho law students, 2004)
Hon. Charles M. Allen Faculty Fellow, Brandeis School of Law (designated for 2002-03)
Military service awards (see military heading above)
"Minerva" Medal, University of Louisville (2000)
"Distinguished Citizen" (public service), City of Louisville (2000)
Liberty Bell Award, Kentucky Supreme Court (1999)
Distinguished Alumnus, Pocatello (Idaho) High School (conferred 1995)
Honor Society of Phi Kappa Phi (Honorary 1994)
Leadership Louisville (1992)
Outstanding Service Award, Idaho State Bar (1990)
"Distinguished Citizen" (*Idaho Statesman* 1987)
Law School Fellowship Recipient, University of Chicago (1970)
Boyden Service Award, Harvard Debate Society (1967)
Maier Scholar, Harvard University (1964-68)

SELECTED PRESENTATIONS:
Professional and Academic Audiences:

"A Life in the Law: Something Complete and Great," Commencement Address, University of Idaho College of Law, 17 May 2014
http://youtu.be/ZElk8j8JMRE

"The Ethical Compass of Effective Leaders," Keynote Address, University of Idaho Army ROTC Commissioning Ceremony, 16 May 2014

"The Enduring Importance of a Liberal Arts Education," Keynote Address, University of Idaho Phi Beta Kappa Initiation Program, 24April 2014

"From Ethics to Economics: A Jurisprudential Search for Enduring Principles" University of Idaho Renfrew Interdisciplinary Colloquium, 18 November 2012
http://www.lib.uidaho.edu/digital/turning/index.html

"Assembling Your Interdisciplinary Team" (panel presentation), Workshop on Developing and Sustaining Interdisciplinary Graduate Programs, Coeur d'Alene, Idaho, 8 October 2012

"The Color of Conscience: Human Rights in Idaho" (panel presentation) Idaho Public Television, 25 September 2012

"Defending Merit Selection" (panel presentation), Kentucky Bar Association Annual Convention CLE Program, Louisville, Kentucky, 5 June 2012

"Practicing Business Law in a Down Economy" (panel presentation), Idaho State Bar Business & Corporate Law Section CLE Program, Boise, Idaho, 11 May 2012

"Ethics for the Idaho Personal Injury Practitioner" (panel presentation)
Idaho Trial Lawyers Association CLE Program, Boise, Idaho, 18 November 2011)

"Ethical Dilemmas Old and New for the Water Law Practitioner"
Idaho Water Users Association CLE Program, Boise, Idaho, 4 November 2011

"Journalists, Judges, and Lawyers: Converging or Diverging Standards of Ethics?"
Oppenheimer Ethics Symposium, University of Idaho, Boise, Idaho 20 October 2011

"Ethical Practice in a Changing Legal Profession"
Portneuf Inn of Court, Pocatello, Idaho, 28 September 2011

"Ethical Considerations in Starting and Sustaining a Solo or Small Group Practice"
Idaho State Bar "Mobile Monday" Live Online CLE Program, 26 September 2011

"Conflicting Interests, Common Representation, Clients with Disabilities, and Computer-Assisted Malpractice: A Quick Compendium of Caveats for Idaho Lawyers (and Those Who Work with Them) in Service to Estate Planning Clients"
Idaho Community Foundation Programs in Coeur d'Alene, Moscow, and Lewiston, Idaho, 20-21 September 2011; and in Pocatello, Idaho Falls, and Twin Falls, Idaho, 16-17 October 2012

"Selected Ethical Issues for Municipal Attorneys"
Idaho Municipal Attorneys Association Annual Conference
Boise, Idaho, June 24, 2011

Commencement Address: "Active Citizenship in a Constitutional Republic"
University of Idaho/Boise Center
Boise, Idaho, May 2, 2011

"Selected Issues in Professional Responsibility: Litigating Against Pro Se Parties,"
and "Representing Minors or Other Persons with Diminished Capacity"
Second District Bar Association, Moscow, Idaho, April 6, 2011

"Ethical Dilemmas in a Water Law Practice"
Idaho Water Users Association CLE Program
Boise, Idaho, November 12, 2010

"Sustainability: Thinking Across Disciplines … and Beyond Tomorrow"
Center for Advanced Energy Studies (CAES) Colloquium
Idaho Falls, Idaho, June 21, 2010

"A Delicate Balance: Judges, Juries, Lawyers, and Journalists: A Public Affairs Seminar on Law and Journalism" (Panelist and Concluding Speaker)

Andrus Center on Public Policy, Boise, Idaho, April 15, 2010

"Professionalism and the Purported 'End of Lawyers'"
Annual Commercial Law and Bankruptcy Section Seminar, Idaho State Bar
McCall, Idaho (February 19, 2010)

"Ethical Dilemmas: Invasive Technology, Confidential Information, and Clients Who Don't Care about Your Reputation"

- Idaho Law Foundation, Moscow, Idaho (November 20, 2009) (sole presenter)
- Fourth District Bar Assocation, Boise, Idaho (October 20, 2009) (co-presenter)

"Ethics for the Idaho Personal Injury Lawyer"
Idaho Trial Lawyers Association
Boise, Idaho (November 13, 2009) (co-presenter)

"A Republic, If You Can Keep It: The Courts, the Media, and the Rule of Law in an Era of Result-and-Reaction Reporting,"
Gallatin Public Affairs, Boise, Idaho (October 14, 2009)

"Building a Diverse Workplace"
Idaho Inclusiveness Coalition Annual Conference ("The Changing Face of Idaho")
Boise, Idaho (October 1, 2009) (co-presenter)

"Fundamentals of Administrative Law" (co-presenter), and
"Professionalism and Impartiality: Dual Imperatives for Administrative Tribunals"
National Association of Hearing Officials, Boise, Idaho (September 21 – 22, 2009)

"Mediation Ethics: Ethically Moving the Parties toward Resolution" (panel presentation)
Idaho State Bar Annual Conference
Boise, Idaho, July 9, 2009

"Professionalism in the Bar, Impartiality on the Bench: Dual Imperatives in the Pursuit of Justice"
Louisville Bar Association and Louis D. Brandeis American Inn of Court (joint program)
Louisville, Kentucky, June 25, 2009

"I Wish More Lawyers Would …"
Presentation on Professionalism to Hon. Ray McNichols American Inn of Court, Second District Bar Association, and Idaho State Bar Section on Professionalism and Ethics
Moscow, Idaho, April 9, 2009

"Good Clients, Bad Clients, and Hard Choices: Ethical Constraints for Idaho Lawyer (and Professionals Who Work with Them)"
Fiftieth Annual Idaho State Tax Institute, Idaho State University
Pocatello, Idaho, November 7, 2008

"Centennial of the ABA Canons of Judicial Ethics"
Idaho State Bar Annual Meeting, Sun Valley, Idaho
October 8, 2008

"Philanthropy, Estate Planning, and Professional Ethics"

Mercy Medical Foundation, Nampa, Idaho, April 24, 2008

"Predicting Professional Competence and Conduct" (panel presentation)
National Council of Bar Examiners Annual Bar Admissions Conference
Portland, Oregon, April 5, 2008

"Newest Developments (and Caveats) in the World of Crooks, Conflicts of Interest, Confidences, Communications, and Computer-Assisted Malpractice"

- Annual Workers' Compensation Section Seminar, Idaho State Bar
  Sun Valley, Idaho, March 7, 2008

- Annual Commercial Law and Bankruptcy Section Seminar, Idaho State Bar
  Moscow, Idaho, March 1, 2008

"A Cancer on the Republic: The Assault upon Judicial Impartiality"
Boise American Inn of Court
November 14, 2007

"The United States Supreme Court: The 2006-07 Term in Review"
U.S. Courts, District of Idaho, District Conferences
October 19, 2007 (Idaho Falls); November 2, 2007 (Boise)

"Science, Law, and Justice: How Should the Legal System Deal with the Paradox of Externalities?"
University of Idaho "Core Discovery" Lecture, August 30, 2007

"New Developments (and More Caveats) in the World of Crooks, Confidences, Candor, Communications, and Computer-Assisted Malpractice,"
John P. Gray American Inn of Court, Coeur d'Alene, Idaho
February 6, 2007

"Space for 'Us' in a 'My Space' Era: Preserving the Legacy of Frederick Law Olmsted"
University of Idaho Landscape Architecture Faculty and Students, Guest Lecture
January 22, 2007

"Something Complete and Great"
University of Idaho Winter Commencement Address
Moscow, Idaho (December 9, 2006)
www.law.uidaho.edu/documents/Commencement%20Address%20U%20of%20Idaho%20Winter%202006%20PDF%20Format.pdf?pid=106757&doc=1

"Civility and Bench-Bar Relations"
Second Judicial District Bar Association and McNichols Inn of Court
Remarks and Presiding over Panel Discussion
Moscow, Idaho (November 8, 2006)

"Crooks, Confidences, Candor, Conflicting Interests, Cross-Boundary Practice, and Computer-Assisted Malpractice: A Compendium of Issues for Idaho Practitioners"
Multiple similar presentations:

- Idaho State Tax Institute, November 2, 2006
- Second District Bar Association, September 29, 2006 (Moscow, Idaho)

- Fifth District Bar Association, September 22, 2006 (Twin Falls, Idaho)
- John P. Gray American Inn of Court, October 4, 2005 (Coeur d'Alene, Idaho)

"Should State Judges Be Elected or Appointed?"
Individual presentation in debate with Hon. Daniel Eismann, Idaho Supreme Court
2006 Constitution Day Program on Judicial Independence
University of Idaho College of Law (September 18, 2006)

"Making Principled and Impartial Decisions" and
"Writing Clear and Effective Decisions"
National Association of Hearing Officials (national meeting)
September 12, 2006 (Bismarck, North Dakota)

"Rethinking Judicial Selection: A Critical Appraisal of Appointive Selection for State Court Judges"
Individual presentation and participation in panel discussion
Fordham Law School, April 7, 2006 (New York City)

"A Republic, If You Can Keep It: The Courts, the Media, and the Rule of Law"
Keynote Address, Phi Beta Kappa Annual Dinner and Member Inauguration
University of Idaho, April 5, 2006

"The Media and the Courts: A Troubled Symbiosis"
University of Idaho Interdisciplinary Colloquium
February 14, 2006

"Professionalism, Public Service and the Academy: Are Law Schools Doing Enough to Provide a 'Whole Training' in Law?"
Keynote address, National Board of Directors, Legal Services Corporation
October 28, 2005 (Boise, Idaho)

"From Judicial Action to Journalist Reaction: How the Media View the Federal Courts"
Panel discussion (chair), U.S. Ninth Circuit Judicial Conference
July 19, 2005 (Spokane, Washington)

"Multiple Representation: A Question of Conflict"
Washington State Bar, Real Property, Probate and Trust Section CLE Presentation
June 10, 2005 (Spokane, Washington)

"New Rules, Old Values, and the Ethics of Dealing with Bad Clients"
Idaho State Bar Annual Meeting CLE Program
July 14, 2004 (Boise, Idaho)
(Multiple subsequent presentations on same topic in 2004 and 2005)

"A Pressing Question of Judgment"
U.S. Courts (Ninth Circuit) and Idaho Courts Media Workshop
May 13, 2004 (Boise, Idaho)

Ethics Updates: "Multijurisdictional Practice and Selected Other Model Rule Changes"
- Idaho Legal Aid Annual Conference (Boise, May 14, 2004)

- 45th Annual Idaho State Tax Institute (Pocatello, November 15, 2003)
- Seventh District Bar Association CLE Program (Idaho Falls, February 14, 2003)

"Multijurisdictional Practice: Ethical Issues for Idaho Lawyers"
Idaho Law Review Symposium Conference on Ethics (Boise, Idaho)
April 11, 2003

"A Question of Conflict: Current Rules and Selected Cases on Conflicts of Interest"
Idaho Law Foundation Ethics CLE Programs (Boise, Coeur d' Alene, Idaho Falls)
November 1/8/15, 2002

"International Crime: New Threats, New Tribunals"
(individual presentation for panel program: "Perspectives on September 11: Security, Civil Liberties, and the Rule of Law")
University of Idaho College of Law
September 11, 2002

"Reclaiming a Noble Profession"
Address to Judge Ray McNichols American Inn of Court (Moscow, Idaho)
September 11, 2002

"American Legal Education, Ethics, and Professionalism"
Idaho State Bar Program for Visiting Judges of the Russian Federation
August 8, 2002

"Liar, Liar … The Problem of the Dishonest Client"
(panel commentaries on ethical dilemma scenarios)
Kentucky Bar Association Annual Convention CLE Program
June 14, 2002

"Trial and Pretrial Ethics"
(panel commentaries on ethical dilemma scenarios)
Louisville Bar Association CLE Program
May 23, 2002

"Legal Ethics through a Literary Lens"
(panel presentations with facilitated discussions)
Louisville Bar Association CLE Series
- "Inherit the Wind," April 26, 2002
- "An Enemy of the People," April 19, 2001

"Judicial Independence and Selection of Judges in the United States"
Library of Congress Program for Visiting Judges of the Russian Federation
Brandeis School of Law, March 13, 2002

"Hard Choices that (Only the Best) Lawyers Make," and
"An Aim High and a Vision Broad': The Public Responsibilities of a Public Profession"
Idaho State Bar, Section on Professionalism and Ethics CLE Program
January 18, 2002

Various Topics in Professionalism:

- American Bar Association, Law Student Division, Sixth Circuit Conference (February 26, 2001)
- Kentucky Admin. Law Judges/Hearing Officers Conference (June 29, 2001)
- Annual Kentucky Public Defender Education Conference (June 12, 2000)
- "Law Day 1999," joint meeting of Fort Knox command staff and legal community with Hardin County (Kentucky) Bar Association (May 6, 1999)
- Kentucky Supreme Court special session (Law Day and admission of new members of the Bar) (May 3, 1999)
- National Association of Hearing Officials, National Education Conference (October 18, 1998)
- Fayette County (Kentucky) Bar Association (June 26, 1998)
- E. H. Young Memorial Lecture, "Professionalism: Restoring the Flame," The Judge Advocate General's School (February 26, 1998)
- "Public Service and Professionalism," American Bar Association, Young Lawyers Division (Louisville, April 29, 1994)

"Modern Elements of the Brandeis Legacy"
Louis D. Brandeis American Inn of Court
September 25, 2001

"Youth Violence, the Media, and the First Amendment"
(individual presentations by panel members)
Kentucky Bar Association Annual Convention CLE Program
June 13, 2001

"Presenting Effective Oral Arguments"
Louisville Bar Association CLE Program
February 7, 2001

"Bench-Bar-Media Issues"
(point/counterpoint program with David Hawpe, editorial director, *The Courier-Journal*)
University of Louisville Center for Humanities and Civic Leadership
December 19, 2000

"Judicial Conduct and Accountability in Kentucky"
(individual presentations by panel members)
Louis D. Brandeis Inn of Court
November 21, 2000

"Public Trust and Confidence in the Judiciary"
(individual presentations by panel members, and panel discussion)
Chief Justice's Conf. on the Judiciary, Ky. Bar Association Convention (June 14, 2000)

"Principled Decision-Making: Serving the Reflective Judge"
Judicial Clerks and Staff Attorneys Seminar
Kentucky Administrative Office of the Courts
November 4, 1999

"Judicial Independence"
(individual presentations by panel members, and panel discussion)
Kentucky Bar Association Convention
June 17, 1999

"Writing Administrative Decisions"
National Association of Hearing Officials, National Education Conference
October 16, 2000, and October 20, 1998

"Post-Tenure Review of Faculty Performance"
(discussion group presentation)
American Bar Association, Law Deans' Workshop
January 30, 1998

"Jurisprudence and the Reflective Judge"
Kentucky Court of Appeals, Judicial Education Program
November 20, 1997

"Bench-Bar-Media Relations" (panel with several presenters)
Kentucky Circuit and District Judges Annual Meeting, Judicial Education Program
October 15, 1997

"Faculty Retirement Incentive Plans"
Association of American Law Schools, Southeast Conference
July 30, 1997

"Academic Leadership"
Omicron Delta Kappa Leadership Conference, Louisville
April 5, 1997

"The Role of Professional Skills and Values in Bar Admissions"
National Conference of Bar Examiners, Seattle, Washington
August 9, 1996

"Graduate Legal Education: Opportunities in International and Comparative Law"
Law Society of the Philippines, Manila
December 13, 1995

"Science and the Courts: Perspectives from Literature"
(presentation and guided discussion)
Kentucky Supreme Court and Court of Appeals, Judicial Education Program
October 24, 1995

"Resources for Skills and Values Instruction in Law Schools" (two presentations):
Kentucky and Idaho Conclaves on Legal Education, August-September, 1995

"Cameras in the Courtroom: American Justice and The O.J. Simpson Case"
German-American Friendship Society, Frankfurt-Mainz, Germany
June 28, 1995

"Mediation Techniques for Environmental Disputes"
Center for Environmental Mediation, Lexington, Kentucky
August 27, 1994

"Writing Effective Appellate Briefs"
Louisville Bar Association CLE Program
March 25, 1993, and October 19, 1995

"Medical Technology and Ethical Dilemmas"
Jefferson County Medical Society (panel presentation)
March 2, 1993

"Interdisciplinary Opportunities in Medical and Legal Education"
Grand Rounds Series, University of Louisville School of Medicine
May 14, 1992

"Preparing, Persuading, Prevailing: The Art of Appellate Advocacy"
Louisville Bar Association
March 11, 1991

"Literary Perspectives on 'Justice Giving'"
Kentucky Administrative Office of the Courts, Judicial Education Program
March 5, 1991

"The Military Rules of Professional Conduct for Lawyers"
On-Site Conference, The Judge Advocate General's School, in Louisville
April 13, 1991

"Military Justice and Legal Education"
Professional Development Program, Office of the Staff Judge Advocate
Fort Knox, Kentucky, January 29, 1991

"Military Criminal Justice System"
Six Lectures, Reserve Officers Training Corps Program, University of Louisville
Spring Semester, 1991

"Appellate Practice: Using the Idaho Appellate Handbook"
Idaho Law Foundation Appellate Practice Seminar Series
July, 1989, and July, 1985

"Informing, Persuading, Prevailing: A Guide to Effective Communication for Lawyers"
Idaho State Bar, Continuing Legal Education Program
July, 1988

"Judicial Review of State Administrative Action"
National Judicial College, North Dakota On-Site Program, Bismarck, North Dakota
June 29, 1988

"The Criminal Sentencing Challenge" (panel with several presenters)
Six-State Judicial Conference, hosted by the Idaho Administrative Office of the Courts
June, 1987

"Alternative Dispute Resolution and the Constitution"
"Peaceful Settlements II" Conference, Idaho Law Foundation and Boise State University
June, 1987

"New Rules of Professional Conduct: An Overview"
Seminar on Professional Ethics and Liability, Idaho Law Foundation
November, 1985

"The Contempt Power"
Annual Institutes for Magistrates and New Judges, hosted by Idaho Administrative Office of the Courts (annual programs 1985-89)

"Litigation and Its Alternatives"
"Peaceful Settlements" Conference, Idaho Law Foundation and Boise State University
July, 1985

"Relating the Seriousness of a Crime to the Length of the Sentence"
Institute for Idaho District Judges, hosted by Idaho Administrative Office of the Courts
February, 1985

"Sentencing Discretion"
Judicial Conference for All Judges, hosted by Administrative Office of the Courts
July, 1984

"Awarding Attorney Fees"
Institute for Magistrates, hosted by Administrative Office of the Courts
June, 1984

"Effective Appellate Advocacy"
American College of Trial Lawyers, Northwest Conference
July, 1983

"Appellate Procedure"
Civil Procedure Institute, Idaho Law Foundation
March, 1982

"Law Office Management"
Institute for New Lawyers, Idaho Law Foundation (annual programs 1978-82)

"Tax Reform and Estate Planning"
Estate Planning Institute, Idaho Law Foundation (annual programs, 1975-76)

"Consumer Protection in Idaho"
Institute on Debtor-Creditor Relations, Idaho Law Foundation
July, 1975

Various guest lectures on appellate practice, the legal environment of business, professional ethics, the future of legal education, land use planning, and law for laypersons, from 1975 to 1989, at the University of Idaho College of Law, Idaho State University and Boise State University

Community Audiences:

"Higher Education and American Exceptionalism"
Multiple presentations to Rotary Clubs in Boise, Pocatello, Idaho Falls, Coeur d'Alene, and Moscow (2013-14

"Impartial Courts and the Adversary Process: Anatomy of the Judicial System"
Multiple presentations to Citizens Law Academies sponsored by the Idaho State Bar in Boise (2010, 2011) and Idaho Falls, Idaho (annually since 2006)

"Legal Education and the Public Good"
Pocatello Rotary Club
Pocatello, Idaho, July 8, 2010

"Two Visions for Legal Education in Idaho" (joint presentation)
Boise Downtown Rotary Club
Boise, Idaho, July 23, 2009

Keynote Speech, "Ready to Lead"
University of Idaho ROTC "Dining Out" and Achievement Recognition Banquet
Moscow, Idaho, February 21, 2009

"Law, Education, and the Public Interest: What's Best for Idaho?"
Boise City Club, September 12, 2008
Audio link available at http://www.cityclubofboise.org/080912/forum.htm

"Proposed Law School Expansion"
Idaho Public Television "Dialogue" Interview Program, June 26, 2008
Video link available at:
http://www.idahoptv.org/dialogue/diaShowPage.cfm?KeyNo=1180&versionID=167460

" 'Against Any Winds That Blow': The Courts, the Rule of Law, and Result-and-Reaction Journalism"
Minidoka Memorial Annual Civil Liberties Symposium, Twin Falls, Idaho
June 20, 2008

"A Cloud over the Constitution"
Constitution Day Program, North Idaho College, Coeur d'Alene, Idaho
September 27, 2007

"The Adversary System: Seeking Truth, Pursuing Justice"
Idaho State Bar Citizens' Law Academy, Seventh District, Idaho Falls, Idaho
October 22, 2009; September 26, 2008; November 15, 2007; September 21, 2006; September 22, 2005

"Getting a Second Opinion: Purposes and Limits of the Appellate Process"
Idaho State Bar Citizens' Law Academy, Second District, Moscow, Idaho
May 12, 2005

"The Death Penalty" (individual presentations by panel members)
Indiana Civil Liberties Union/Indiana University Southeast Chapter
March 14, 2001

"2000 Presidential Election: Legal Issues Old and New" (individual presentations by panel members)
Louisville Downtown Rotary Club
February 15, 2001

"Law, Politics, and the 2000 Presidential Election" (panel discussion)
"State of Affairs" Public Radio Program
November 30, 2000

"Peacemaking, Peacekeeping, and Mediating International Disputes"
U.S. State Department/City of Louisville Joint Program (individual presentations by panel members)
October 11, 2000

"Judges: To Appoint or To Elect? That Is the Question" The "Louisville Forum"
(Debate with Hon. William Knopf, Kentucky Court of Appeals)
May 12, 1999

"Kentucky Forests and the Wood Products Industry – Toward a Sustainable Future"
Kentucky Economic Development Partnership Board
December 18, 1997

"Black Achievement: A Tribute to the Hon. Wiley Daniel"
Plymouth Congregational United Church of Christ, Louisville
September 15, 1996

"African-American Pioneers in Kentucky Law: Preserving the Legacy"
Allen Courtroom, School of Law (audience from general community)
September 13, 1995

"Economic Perspectives on Environmental Justice"
Conference on "Partnerships for Sustainable Development"
Jointly sponsored by Global Tomorrow Coalition and Kentucky Institute for the Environment and Sustainable Development, May 10, 1995

"Public Perceptions of the Administration of Justice"
"Law Day," Fort Knox, Kentucky
May 1, 1993

"Issues in Health Care Reform for Kentucky Health Care Providers"
Louisville Hospital Council
November 20, 1992

"Health Care Reform"
National Council of Jewish Women, Louisville
September 17, 1992

"University-State Government Collaboration on Environmental Issues"
Kentucky Environmental Quality Commission
July 23, 1992

"Politics and the Supreme Court: The Souter Nomination"
Louisville Downtown Rotary Club
September 13, 1990