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CURRICULUM VITAE

Date of Birth: 30 July 1944

Married, one child

EDUCATION:

Ph.D. in Law, University of London, June 1979.

Thesis: *Law, Development, and the Ethiopian Revolution*
(published by Bucknell Univ. Press, 1982).

Juris Doctor, University of Wisconsin Law School, Madison, Wisconsin, June 1969. Honors: Kemper Knapp Scholarship. Activities: Law Students' Civil Rights Research Council. Admitted to Practice: State Bar of Wisconsin, August 1969.

B.A. (Honors) in Economics, Lake Forest College, Lake Forest, Illinois, June 1966. Honors: Phi Beta Kappa. Activities: Film Workshop (film aesthetics and actual production), Teaching Assistantship in Economics, 1965-66.

EMPLOYMENT:

Chief Legal Advisor, Ministry of Justice, Republic of Indonesia, in Jakarta, January 1999 to August 2000. I helped draft and implement anti-corruption, administrative, arbitration, bankruptcy, competition policy (antitrust, including the establishment of the Commission), consumer protection, corporations and (a quasi-legal) corporate governance, judicial, lawyers' association letter of credit/warehouse receipt, rural land tenure, secured transactions, small business, and microcredit, WTO compliance, etc. legal and policy reforms. I also ran the small (\$800,000/year), AID-funded Economic Law and Improved Procurement Systems Project (ELIPS).

Fulbright Professor, National Economics University, Hanoi, Vietnam, Sept.-Dec. 1998. As the first Fulbrighter in Vietnam, I taught International Trade Law to fourth-year law students; led a Faculty Seminar, composed of 22 younger lecturers in business administration, economics, and law, on recent reforms in economic laws; and lectured and consulted on a variety of subjects.

Professor of Law (tenured), Valparaiso University School of Law, August 1978 to present. Courses taught: Antitrust, Law and Economics, Contracts, and Seminars in Globalization (presently being taught, details on request), International Human Rights and in Law and Public Policy. I have from time to time served on the Curriculum, Faculty Recruitment, Tenured Faculty, Graduate Education, Library, and Visitors' Committees, on the University-wide Faculty Concerns Committee, and served as a Director of the University Federal Credit Union and as faculty advisor to the International Law Society and the University Rugby Team. Outside the University, I am active in the International Third World Legal Studies Assn., the Executive Committee of the Association of American Law School's African Law Section, the local ACLU Chapter's Legal Panel, and Editor of *African Studies Review* (1981-88 and Guest Editor for the Vol. 27 (4) World Bank Symposium). In Summer 1980, I received a National Endowment for the Humanities Fellowship to Yale University, for a Seminar led by the late Robert Cover in the evolution of the Supreme Court's economic

and political thinking. In Summer 1983, I received a German Academic Exchange Commission research grant to investigate German and Common Market competition and industrial policies, as a guest of the Max Planck Institut in Munich.

Fulbright Professor of Law, Universiti Teknologi MARA, Malaysia, January to June 1988. I taught Law and Economics, led a variety of Faculty and student seminars, advised on curricular, funding, and administrative matters, and completed research on various topics.

Lecturer in Law (tenured), Brunel University, Middlesex, England, September 1975 to June 1978. Courses taught: Comparative Public Law (to M.A. in Comparative Law Students), Land Law (including planning law and landlord and tenant components), Contracts, and English Legal System. I was the Departmental Examinations Tutor.

Assistant Professor of Law, Addis Ababa University (formerly Haile Selassie I University), Addis Ababa, Ethiopia, September 1973 to April 1975. Courses taught: Law and Development, Natural Resource Law, Administrative Law, and (with Scholler) Jurisprudence. I was an elected member of the Law Faculty Academic Commission, Law Faculty-Institute of Development Research Liaison Officer, and advisor to the Ministry of Finance concerning the reorganization of public corporations.

*Lecturer in Law, University of Malawi School of Law, September 1970 to July 1973. Courses taught: Real Property, Legal Method, Criminal Law, Jurisprudence, short courses with Traditional Court Judges, and, with other faculty members, Customary Law. I was a member of the Malawi Law Society (Bar Association), the Secretary to the Editorial Board of the *University of Malawi Journal of Social Sciences*, member of the Board of the Social Science Research Institute of the University of Malawi, and consultant to the Attorney General concerning criminal law and procedure.*

Teaching educationally-disadvantaged students at the secondary school level, Chicago Board of Education, September 1969 to June 1970.

Research position with Attorney Lloyd A. Barbee, Milwaukee, Wisconsin (1969), in conjunction with the Milwaukee schools *de facto* segregation suit.

OVERSEAS EXPERIENCE

Austria (*infra*), China, Czech Republic, England (*supra*), Eritrea, Ethiopia, France, Hungary, Indonesia, Kenya, Malawi, Malaysia, Mozambique, Mongolia, South Africa (*infra*), and Vietnam (*supra*).

Kenya, Ethiopia, and Eritrea, Nov. & Dec. 1997. Consulted on administrative law, bar associations, and law school curriculum development, on behalf of the American Bar Association's African Law Initiative.

Mongolia, Sept.-Oct. 1996 & Apr.-May 2000, June 2001, 2003 and 2004: anti-corruption, court reforms, strengthening civil law, administrative law, and human rights, on behalf of the Hanns-Seidel-Stiftung (HSS).

Czech Republic, Aug. 1997, human rights and economic law consultancy, and lectures at Charles University, Prague.

China, Oct. 1996 and May 2000, brief administrative law consultancies for the HSS; Oct. 2001, promoting venture capital through business organization reforms, for the GTZ (Germany) and the People's Congress; and June 2003, a brief consultancy with the GTZ on their reform agenda.

Italy: Visiting Professor, University of Trento, May & June 1996 and 2005—Comparative Public Law; Trento Seminar on legal reforms in transition countries, May 2003; and Univ. of Torino/International Labour

Organisation—Lectures on the M.A. in the Management of Development course, Mar. 2001.

Eritrea, Ethiopia, Malawi, and Mozambique, Mar. & Apr. 1005. Lectures and consultancies in human rights, law and economics, constitutional law and politics, and organizing a bar association on behalf of the United States Information Service.

France: Presentation to the World Forum on Human Rights, Nantes, May 2004.

Indonesia: Nov. 1992-Jan. 1994, Consultant through the AID-funded ELIPS Project, on contracts and law reform generally; July 2001, legal reforms concerning the financial sector; July-Aug. 2002, teaching American contracts law and otherwise preparing 32 Indonesian students for LL.M.s at the Univ. of Washington and Wisconsin, and American Univ.; and July-Aug. 2003, the capital needs of small businesses and preliminary work on a Credit Union Law.

Germany, May 2005 and July 2002, 1993, 1992, and 1991. Lectures (many with Scholler) on comparative law techniques, comparative public law, African Law, human rights, and law and economics, variously at the universities of Munich, Hamburg, and lectures on these subjects in Pecs.

Malaysia, Oct. 1999, to consult on setting up an Institute on South Asian Public Law.

PUBLICATIONS (in chronological order):

Criminal Law Chapters of the TRADITIONAL COURTS MANUAL. Malawi Government Printer, 1972.

Theft by Public Servant in Malawi, 1 UNIV. OF MALAWI J. OF SOC. SCI. 65 (1972).

Witchcraft and Law in Malawi, 8 EAST AFRICAN LAW J. 1 (1972).

Law and Rural Development in Africa, with Emphasis on Malawi, 5 ZAMBIA LAW J. 1 (1973), presented to the 1972 East African Universities Social Science Conference, Nairobi, Kenya.

Rural Development and Modification of Malawi's Land Tenure System, 20 RURAL AFRICANA 53 (1973).

The Chilobwe Murders Trial, 17 AFRICAN STUDIES REV. 361 (1974).

Murder and Manslaughter in Malawi's Traditional Courts, 18 JOURNAL OF AFRICAN LAW 37 (1974).

Private Law in Ethiopia, 18 JOURNAL OF AFRICAN LAW 149 (1974).

A SOURCE-BOOK OF ETHIOPIAN LAW AND DEVELOPMENT, Addis Ababa, Artistic Printers, 1974 (teaching materials for HSIU).

(with Scholler) LEGAL ANALYSIS TEACHING MATERIALS, Addis Ababa University Press, 1975.

Law and Rural Development in Ethiopia, 18 AFRICAN STUDIES REV. 45 (1975), presented to an Institute of Development Research Conference, 1974.

(with Scholler) *Law and Politics in Revolutionary Ethiopia*, 8 VERFASSUNG UND RECHT IN UBERSEE 183 (1975).

Law, Revolution and the Ethiopian Peasant, 28 RURAL AFRICANA 7 (1975). (This issue of Rural Africana was edited by John Harbeson and myself.)

(with Scholler) ETHIOPIA. Munich: Weltforum-Verlag, 1976.

Land Reform in Revolutionary Ethiopia, 14 J. MODERN AFRICAN STUDIES 637 (1976).

Four Ethiopia chapters for the ANNUAL SURVEY OF AFRICAN LAW. London: Rex Collings, 1973-76.

The Rightness of the "Rightness of Things," 14 VAL. U.L. REV. 37 (1979).

Review Essay on Townsend's EXTRATERRITORIAL ANTITRUST, 11 N.Y.J. INT'L & COMP. L. 335 (1981).

LAW, DEVELOPMENT, AND THE ETHIOPIAN REVOLUTION. New York: Bucknell Univ. Press (1982).

Socialism and Law in the Ethiopian Revolution, 7 REV. OF SOCIALIST L. 261 (1981), presented at the International Third World Legal Studies Assn. Symposium held during the 1980 AALS Conference in Phoenix, Arizona.

Administrative Law and Development, 26 HOWARD L. REV. 645 (1983), presented at the Sixth Law and Development Conference (Windsor, Ont., Dec. 1979). (I also attended the Seventh through

Twelfth Conferences in 1981 through 1987, commenting on papers and chairing sessions.)
Die Schattenseite der Verfassungs Vergleichen, 16 VERFASSUNG UND RECHT IN UBERSEE 5 (1983), presented as the keynote paper to the (German) Union of Constitutional Lawyers, Fulda, May 1981. (While in Europe, I delivered lectures at the University of London, the Hochschule für Politik and the Institut für Politik und Öffentliches Recht of the University of Munich, and the Institute for Cooperatives Law at the University of Marburg.)

Development as a Human Rite, 1984 THIRD WORLD LEGAL STUD. 25, presented at the Human Rights and Development Conference, Windsor, England, June 1983.

Public Policy: Contract, Abortion and the CIA, 18 VAL. U.L. REV. 741 (1984) (An abridged version of this article was delivered as my April 1983 Inaugural Lecture at the Valparaiso University School of Law.)

Consorting with the Chameleon, or Realizing the Right to Development, 15 CAL. WEST. INT. L.J. 560 (1985), presented at the February 1985 Human Rights Symposium in San Diego.

Another Law and Economics, 9 RESEARCH IN LAW & ECONOMICS 57 (1985).

The "Seamy Underside" of Constitutional Law, 8 LOYOLA L.A. INT. & COMP. L.J. 1 (1985).

The Constitutionalization of Antitrust, 22 VAL. U.L. REV. 275 (1988) (cited in the NATIONAL LAW J. "Worth Reading" column).

Rights: Some Origins, Functions and Futures, in RECHTSSENTSTEHUNG UND RECHTSKULTUR 61-81 Heideberg: Decker & Müller (1991).

Law, Legitimacy, and Coercion: One View from Law and Economics, 25 VAL. U.L. REV. 343 (1991) (cited in the NATIONAL LAW J. "Worth Reading" column).

- Accountability in the "Brave New World" of Development*, 1992 THIRD WORLD LEGAL STUDIES 99 (presented at the Law and Development Conference, Windsor, England, June 1990).
- Urban Development and Human Development*, 25 IND. L. REV. 741 (1992) (listed in the excellent articles column of the ZONING AND PLANNING LAW REP.).
- A Sense of Balance*, 10(2) PRAXIS 42 (1993).
- Designing the Legal Frameworks for Markets in Eastern Europe*, 7 THE TRANSNATIONAL LAWYER 35 (1994).
- Law, Democratization and Markets*, in LAW AND ECONOMICS: NEW AND CRITICAL PERSPECTIVES 31-63 (Robin Malloy & Chris Braun, eds. 1995) (presented at the Association of American Law Schools Conference, San Francisco, 1993).
- Insurgents in the "New" International Law*, 13 WIS. INT. L.J. 1 (1995) (presented to the Commonwealth Conference on Human Rights Approaches to Environmental Protection, London, 1993).
- Ethiopia's "Leap in the Dark": Federalism and Self-Determination Under the New Constitution*, 39 J. AFRICAN L. 19 (1995), and TRANSPLANT INNOVATION AND LEGAL TRADITION IN THE HORN OF AFRICA 65 (Elisabetta Grande, ed. 1995), presented to the Horn of Africa Conference, Trento, Italy, December 1994.
- Self-Determination, or Jurisprudential Confusion Exacerbating Political Conflict*, 14 WIS. INT. L.J. 69 (1995).
- Interpretations of Calabresi*, 30 VAL. U.L. REV. 885 (1996).
- Self-Determination and Mongolia's National Interests* (presented at the September 1996 Human Rights and National Security Conference in Ulaanbaator, and forthcoming in books in English, German, and Mongolian—published by the Hanns-Seidel-Stiftung, Munich).
- How and Why the Marketplace of Ideas Fails*, 31 VAL. U.L. REV. 951 (1997), presented to the Free Speech in a Democratic Society Conference (celebrating the 350th Anniversary of Milton's *Areopagitica*), Tampa, November 1994, and forthcoming in a book from the conference.
- Democratization and...Administrative Law*, presented to the Third World Conference, Chicago, March 1997, and the Latin American Law and Economics Congress, Caracas, June 1997. This article led to a consultancy in Kenya in November and December 1997, sponsored by the American Bar Association's African Law Initiative.
- African Law and Legal Education*, presented to the African Law Professors' Conference, Chicago, July 1997, and to the Law Faculties at the Universities of Nairobi, Kenya and Asmara, Eritrea, December 1997.
- American Contracts Law in Indonesia: Comparative and Economics Perspectives and Notes on the Formation of Contracts*, in CONTRACTS LAW: THE BASIS FOR AN INDONESIAN ECONOMIC LAW (Arie Hutaglung, ed., in English and Indonesian, 1998).

(with Kline) *The Law and Economics of Native American Casinos*, 78 NEBRASKA LAW REV. 601 (1999).

(with Timberg) *An Economic Reform Agenda for Indonesia?*, 31 LAW AND POLICY IN INTERNATIONAL BUSINESS 1 (1999)..

Securitisation and Bankruptcy in Indonesia: Theme and Variations, in BANKRUPTCY, LAW REFORM AND THE COMMERCIAL COURT, Sydney Federation Press (T. Lindsey, ed. 2000).

Contributions to COMPETITION POLICY & ECONOMIC GROWTH IN INDONESIA, World Bank (Luis Tineo & Maria Coppola, ed. 2001).

Commercial Clearing House, DOING BUSINESS IN ASIA (2001) (practitioner-oriented Chapters on securities, banking, finance, and secured transactions in Indonesia).

Choice of Legal System Reforms in Mongolia, in LEGAL SYSTEM REFORMS, Munich, HSS (R. Geppert, ed. 2001) (appearing in separate volumes in English, German, and Mongolian).

Companies Law in Indonesia, __ AUSTRAL. J. ASIAN LAW __ (2001).

Administrative Reforms in Indonesia?, in CORRUPTION IN ASIA: RETHINKING THE GOOD GOVERNANCE PARADIGM, Ch. 7 (Sydney, Federation Press) (T. Lindsey & H. Dick, eds. 2002).

“American Administrative Law Creates Fourteen Questions for Mongolians,” in *Administrative Law*, HSS (R. Geppert, ed. 2003) (appearing in separate volumes in German and Mongolian).

“The Politics of Legal Reforms” 3 *Wash. U. Global Stud. L. Rev.* 1 (2004) (presented to the Univ. of Illinois College of Law International Law Symposium, Apr. 2004).

(Twenty-two book reviews, plus eight articles for Valparaiso University's magazine, THE CRESSET.)

FORTHCOMING PUBLICATIONS AND RESEARCH IN PROGRESS:

“Globalization, Nationalism, & Human Rights,” presented to the Reconstituting Constitutions and Cultures Conference, San Juan, Puerto Rico, Dec. 2004. An outgrowth of this approach dealing with apparent failures in specific U.N. reform with the working title of “Playing Poker at the U.N.,” will be presented at a Dec. 2005 Conference in Durban, South Africa.

Papers presented to the Terrorism, Human Rights and Commercial Law Conference in Salzburg, Austria, May 2003, and to the Colloquium on International Comparative Law, Cape Town, South Africa, Aug. 2004 will be revised and incorporated into a broad study with the working title of THE LAW AFTER SEPTEMBER 11.

Law: Under Categorized and Over-Determined (a jurisprudential, quite Kantian analysis).

Humanism and Jurisprudence (how Italian Renaissance legal philosophy helps to answer pressing contemporary questions).

Access to Distributive Justice (an attempt at a general theory, informed by my Malaysian research).

America's economic constitution, including the interrelation of antitrust and other economic

regulations and the problems and prospects of an industrial policy.

German-American constitutional law; Scholler and I have discussed writing a book about the relevance of American cases under Germany's Basic Law, and we have a tentative commitment from a German publisher for editions in German and in English.

The corporation as a "person," in law and in philosophy.

(Commentaries on draft and laws for the ABA Central and East European Legal Initiative and the UN Development Programme).

REFERENCES:

Prof. Ivan Bodensteiner
(former Dean)
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Professor John Rear
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