

**FRANCIS J. MOOTZ III**  
**McGEORGE SCHOOL OF LAW, UNIVERSITY OF THE PACIFIC**  
**Sacramento, CA**  
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**APPOINTMENTS**

**McGeorge School of Law, University of the Pacific** (Sacramento, CA)

Professor of Law (with tenure), 2017 – current

Dean and Professor of Law (with tenure), 2012–17

Courses taught: Statutes and Regulations, Torts, Insurance Law, Employment Law, Remedies, Argumentation Seminar, Critical Race Theory Seminar

**University of California Davis, School of Law** (Davis, CA)

Visiting Professor, 2018-20

Courses taught: Employment Law, Insurance Law

**The National Judicial College** (Reno, NV) (Professor)

Course taught: Judicial Philosophy (Austin, Texas; December 4-8, 2017)

**William S. Boyd School of Law, University of Nevada Las Vegas** (Las Vegas, NV)

Associate Dean for Academic Affairs and Faculty Development, 2011-12

Associate Dean for Faculty Development and Research, 2010-11

William S. Boyd Professor of Law (with tenure), 2008-12

Courses taught: Contracts, Sales, Payment Systems, Jurisprudence (Rhetoric)

**Faculty of Law, Insubria University** (Como, Italy)

Visiting Professor, Summer Session on American Law (2008–12)

**Dickinson School of Law, Penn State University** (Carlisle, PA)

Samuel Weiss Distinguished Faculty Scholar, 2007–08

Associate Dean for Academic Affairs, 2004–06

Professor of Law (with tenure), 2000–08

Visiting Professor of Law, Spring 2000

Courses taught: Contracts, Sales, Insurance Law, Payment Systems, Legislative and Administrative Process & Interpretation, Seminar on Statutory Interpretation, International Commercial Transactions, and Equal Rights Law (Summer Scholars undergraduate course)

**Dickinson College** (Carlisle, PA)

Adjunct Professor of Political Science, Spring 2006

Course taught: Judges and Democracy

**Marshall-Wythe School of Law, College of William and Mary (Williamsburg, VA)**

Visiting Professor of Law, Fall 2002

Courses Taught: Sales, Payment Systems

**Western New England University School of Law (Springfield, MA)**

Professor of Law (with tenure), 1995 – 2000

Associate Professor, 1993–95

Assistant Professor, 1990–93

Courses Taught: Contracts, Sales, Insurance Law, Employment Law, and  
Jurisprudence (Law and Literary Theory; Habermas Seminar)

**EDUCATION**

**Duke University School of Law**

J.D. *with high honors*, 1986

Editor, LAW AND CONTEMPORARY PROBLEMS, 1985 – 1986

International Trial Lawyers Student Advocacy Prize

**Duke University Graduate School**

A.M., Philosophy (with thesis), 1986

**University of Notre Dame**

B.A., History *with high honors*, 1983

**PROFESSIONAL SERVICE**

**California Bar Malpractice Insurance Working Group**

Appointed Member, 2018-19.

**American Law Institute**

Elected Member (January 26, 2012)

**Commissioner, Uniform Law Commission (formerly NCCUSL)**

(Nevada, 2008 – 2012; appointed by Legislative Commission)

(Pennsylvania, 2006 – 2008; appointed by Governor Edward G. Rendell)

**Amicus Brief, *Aircraft Network, L.L.C. v. Associated Aviation Underwriters, Inc.***

(Supreme Court of Texas; Filed February 2008).

**Expert Testimony**

*U.S. v. Kalfsbeek* (Federal Court, Eastern District of California, June 2009)

I have filed a number of expert reports not resulting in testimony at trial.

**RESEARCH AND SCHOLARSHIP**

**Books**

CONHECIMENTO RETÓRICO N PRÁTICA E NA TEORIA CRÍTICA DO DIREITO (Luzia Araújo, Trans.) (Editora Unisinos, 2011) (Part of the series: Coleção *Dike*) [translation of RHETORICAL KNOWLEDGE IN LEGAL PRACTICE AND CRITICAL LEGAL THEORY].

LAW, HERMENEUTICS AND RHETORIC (Routledge Publishing, 2010) (Part of the Series: *Collected Essays in Law*).

RHETORICAL KNOWLEDGE IN LEGAL PRACTICE AND CRITICAL LEGAL THEORY (University of Alabama Press, 2006) (Part of the series: *Rhetoric, Culture and Social Critique*).

### **Edited Volumes and Chapters in Treatises**

13 APPELMAN ON INSURANCE: SUBROGATION AND CONTRIBUTION (LexisNexis, 2015) (Editor of Volume 13 of the 14-volume Library Edition that updates and replaces the leading 68-volume treatise on insurance law).

3 APPELMAN ON INSURANCE: LIABILITY PRINCIPLES AND CGL INSURANCE (LexisNexis, 2010) (Editor of Volume 3 of the 14-volume Library Edition that updates and replaces the leading 68-volume treatise on insurance law).

1 APPELMAN ON INSURANCE: KEY INSURANCE LAW AND PRACTICE TOPICS (LexisNexis, 2009) (Editor of Volume 1 of the 14-volume Library Edition that updates and replaces the leading 68-volume treatise on insurance law).

*Insurance Coverage of Discrimination Claims*, in MERRICK T. ROSSEIN, EMPLOYMENT DISCRIMINATION (1997) [Chapter 34].

### **Edited Books**

CLASSICAL RHETORIC AND CONTEMPORARY LAW: A CRITICAL READER (University of Alabama Press, forthcoming 2024) (with Kirsten Davis, Brian Larson, and Kristen Tiscione).

THE RHETORIC OF JUDGING WELL: THE CONFLICTED LEGACY OF JUSTICE ANTHONY M. KENNEDY (Penn State Press, 2023) (with David M. Frank).

JUSTICE SCALIA: RHETORIC AND THE RULE OF LAW (University of Chicago Press, 2019) (with Brian G. Slocum).

THE SEMIOTICS OF LAW IN LEGAL EDUCATION (Springer, 2011) (with Jan M. Broekman).

GADAMER AND RICOEUR: CRITICAL HORIZONS FOR CONTEMPORARY HERMENEUTICS (Continuum Publishing, 2011) (Part of the series, *Studies in Continental Philosophy*) (with George H. Taylor).

ON PHILOSOPHY IN AMERICAN LAW (Cambridge University Press, 2009).

NIETZSCHE AND LAW (Routledge Publishing, 2008) (with Peter Goodrich).

GADAMER AND LAW (Routledge Publishing, 2007).

### **Casebooks**

LEARNING EMPLOYMENT LAW (with Michael Maslanka, Leticia M. Saucedo, Angela Morrison, and Daiquiri Steele) (West Academic Publishing, 2<sup>nd</sup> ed. 2024).

LEARNING EMPLOYMENT LAW (with Michael Maslanka and Leticia M. Saucedo) (West Academic Publishing, 2019).

COMMERCIAL CONTRACTING: AN INTEGRATION OF SALES, LEASES AND COMPUTER INFORMATION TRANSACTIONS (with Peter Alces and David Frisch) (LexisNexis Publishing, 2<sup>nd</sup> ed. 2008; 1<sup>st</sup> ed. 2004).

**Book Chapters**

- Rhetoric and Law*, in THE CAMBRIDGE HISTORY OF RHETORIC: VOLUME V 1900 – , xx-xx (Daniel M. Gross, Steven Mailloux, LuMing Mao, eds; Cambridge University Press, forthcoming 2025).
- Giambattista Vico*, in CLASSICAL RHETORIC AND CONTEMPORARY LAW: A CRITICAL READER (University of Alabama Press, forthcoming 2024) (with Kirsten Davis, Brian Larson, and Kristen Tiscione).
- At Play in the Fields of the Law*, in PHILOSOPHY'S ARENA: PLAY AND PLAYERS IN A GAMIFIED WORLD xx-xx (Jeremy Sampson, ed.; Vernon Press, forthcoming 2024).
- Jan Broekman and the Multicultural Self*, in The REARGUARD OF SUBJECTIVITY: ON LEGAL SEMIOTICS – A FESTSCHRIFT IN HONOUR OF JAN BROEKMAN 111-125 (Springer, 2023).
- Justice Kennedy's Natural Law Rhetoric*, in JUSTICE ANTHONY M. KENNEDY: THE RHETORIC OF LIBERTY (David M. Frank and Francis J. Mootz III, eds.; Penn State Press, 2023).
- The Unbearable In-Betweenness of Law*, in READING RICOEUR THROUGH LAW, (Eileen Brennan, Marc de Leeu, George H. Taylor, eds.; Lexington Books, 2022).
- Gadamer and Jurisprudence*, in THE GADAMERIAN MIND 364-75 (Theodore D. George and Gert-Jan van der Heiden, eds.; Routledge Publishing, 2021).
- Party Like It's 1989*, in JUSTICE SCALIA: RHETORIC AND THE RULE OF LAW 97-110 (Francis J. Mootz III and Brian G. Slocum, eds.; University of Chicago Press, 2019).
- Vico, Llewellyn and the Task of Legal Education*, in LINDA H. EDWARDS, THE DOCTRINE-SKILLS DIVIDE: LEGAL EDUCATION'S SELF-INFLICTED WOUND 64-76 (Carolina Academic Press, 2017) [reprinted article].
- Getting Over the Originalist Fixation*, in THE NATURE OF LEGAL INTERPRETATION: WHAT JURISTS CAN LEARN ABOUT LEGAL INTERPRETATION FROM LINGUISTICS AND PHILOSOPHY 156-90 (Brian G. Slocum, ed.; University of Chicago Press, 2017).
- Hermeneutics and Law*, in THE BLACKWELL COMPANION TO HERMENEUTICS (Niall Keane and Chris Lawn eds., Wiley-Blackwell Publishing, 2016).
- Right Rhetoric: What Lawyers May Learn from the Study of Rhetoric*, in PENSÉES DU DROIT, LOIS DE LA PHILOSOPHIE 55-62 (Thomas Berns and Julie Allard, eds.; Editions de l'Université de Bruxelles, 2012) (*Festschrift* for Guy Haarscher).
- Die Sache: The Foundationless Ground of Legal Meaning*, in THE SEMIOTICS OF LAW IN LEGAL EDUCATION (Jan M. Broekman and Francis J. Mootz III eds.) (Springer Publishing, 2011).
- Gadamer's Rhetorical Conception of Hermeneutics as a Key to Developing a Critical Hermeneutics*, in GADAMER AND RICOEUR: CRITICAL HORIZONS FOR CONTEMPORARY HERMENEUTICS (Francis J. Mootz III and George H. Taylor eds.) (Continuum Publishing, 2011).
- Chapter 12: Interpretation*, in THE COMPANION TO LAW AND THE HUMANITIES. (Austin Sarat, Matthew Anderson and Cathrine Franke eds., Cambridge Univ. Press, 2010).

- The Irrelevance of Contemporary Academic Philosophy for Law: Recovering the Rhetorical Tradition*, in ON PHILOSOPHY IN AMERICAN LAW (Cambridge University Press, 2009). Translated to Portuguese as: *A Irrelevância da Filosofia Acadêmica Contemporânea para o Direito: Redescobrimdo a Tradição Retórica*, REVISTA DE ESTUDOS CONSTITUCIONAIS, HERMENÊUTICA E TEORIA DO DIREITO 13:1 (2021).
- Natural Law and the Cultivation of Legal Rhetoric*, in REDISCOVERING FULLER: IMPLICIT LAW AND INSTITUTIONAL DESIGN (Willem Witteveen and Wibren van der Berg eds., 1999).
- Postmodern Constitutionalism as Materialism*, in POSTMODERNISM AND LAW (Dennis Patterson ed., 1994) [reprinting 91 MICH. L. REV. 515 (1992)].

### Solicited Symposium Contributions

- The Legal Backdrop: A Maze of Confusion*, 54 U. Pac. L. Rev. 1-19 (2023).
- Corpus Linguistics and Vico's Lament: Against Vivisectional Jurisprudence*, 20 NEV. L.J. 845-53 (2020).
- Cannabis Insurance*, 23 LEWIS AND CLARK L. REV. 893-938 (2019) (with Jason Horst).
- Ethical Cannabis Lawyering in California*, 9 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS 1-63 (2018).
- E/Insuring the Marijuana Industry*, 49 U. PAC. L. REV. 43-66 (2017).
- Protecting Victims from Liability Insurance Companies that Add Gratuitous Insult to Grievous Injury*, 17 J. OF GENDER, RACE & JUSTICE 313-31 (2014).
- Introduction: Symposium: The State and Future of Legal Education*, 45 MCGEORGE L. REV. 1-6 (2013).
- Law and Community: Alessandro Giuliani's Aristotelian Vision*, FERALISIMI.IT: RIVISTA DI DIRITTO PUBBLICO ITALIANO, COMUNITARIO E COMPARATO (June 8, 2013): [http://www.federalismi.it/ApplMostraDoc.cfm?Artid=23021&content=Law+and+Community:+Alessandro+Giuliani's+Aristotelian+Vision&content\\_author=Francis+J.Mootz+III,+Francesco+Cerrone,+Silvia+Niccolai,+Giorgio+Repetto,+Gianluca+Bascherini#.Uhx8jowaySM](http://www.federalismi.it/ApplMostraDoc.cfm?Artid=23021&content=Law+and+Community:+Alessandro+Giuliani's+Aristotelian+Vision&content_author=Francis+J.Mootz+III,+Francesco+Cerrone,+Silvia+Niccolai,+Giorgio+Repetto,+Gianluca+Bascherini#.Uhx8jowaySM)
- Law Among the Sight Lovers*, 57 N.Y.L. SCH. L. REV. 61-74 (2012-13).
- The "Ethical" Surplus of the War on Illegal Immigration* (with Leticia Saucedo), 15 J. OF GENDER, RACE & JUSTICE 257-79 (2012).
- The Rhetorical and Hermeneutical Nature of Law*, 8:2 J. OF CATHOLIC SOCIAL THOUGHT 221-54 (2011).
- Ugly American Hermeneutics*, 10 NEV. L.J. 587-606 (2010); reprinted as *Hermenêutica americana feia*, 3(1) Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direeito (RECHTD), 42-55 (janeiro-junho 2011).
- Perelman's Theory of Argumentation and Natural Law*, 43 PHILOSOPHY AND RHETORIC 383-402 (peer reviewed) (2010).
- Faithful Hermeneutics*, LAW AND RELIGION SYMPOSIUM, 2008 MICH. ST. L. REV. 361-76 (2009).

- Symposium Editor, *Introduction*, RECALLING VICO'S LAMENT: THE ROLE OF PRUDENCE AND RHETORIC IN LAW AND LEGAL EDUCATION, 83 CHI-KENT L. REV. 1097-1105 (2008).
- Vico's "Ingenious Method" and Legal Education*, 83 CHI-KENT L. REV. 1261-1302 (2008).
- Symposium Editor, *Introduction*, BOOK REVIEW SYMPOSIUM, 110 PENN STATE L. REV. 905-06 (2006).
- Argument, Political Friendship and Rhetorical Knowledge: A Review of Garver's For the Sake of Argument*, 110 PENN STATE L. REV. 907-23 (2006).
- Nietzschean Critique and Philosophical Hermeneutics*, 24 CARDOZO L. REV. 967-1042 (2003).
- The Sounds of Silence: Waiting for Courts to Acknowledge that Public Policy Justifies Awarding Damages to Third Party Claimants when Liability Insurers Deal with Them in Bad Faith*, 2 NEV. L.J. 443-88 (2002).
- Coverage for Unfair Competition Torts under General Liability Policies: Will the "Intellectual Property" Tail Wag the Coverage Dog?*, 8 CONN. INS. L.J. 37-54 (2001).
- Symposium Editor, *Foreword*, SYMPOSIUM: PHILOSOPHICAL HERMENEUTICS AND CRITICAL LEGAL THEORY, 76 CHI-KENT L. REV. 719-30 (2000).
- The Quest to Reprogram Cultural Software: A Hermeneutical Response to Jack Balkin's Theory of Ideology and Critique*, 76 CHI-KENT L. REV. 945-89 (2000).
- Symposium Editor, *Foreword: Employment Practices Liability Insurance and the Changing American Workplace*, 21 WEST. NEW ENG. L. REV. 245-48 (1999).
- Insuring Employer Liability for Hostile Work Environment Claims: How Changes in Discrimination Law May Affect the Growing Market for Employment-Related Practices Liability Insurance*, 21 WEST. NEW ENG. L. REV. 369-426 (1999).
- Symposium Editor, *Foreword*, SYMPOSIUM: INSURANCE COVERAGE OF EMPLOYMENT DISPUTES, 18 WEST. NEW ENG. L. REV. 1-4 (1996).
- Principles of Insurance Coverage: A Guide for the Employment Lawyer*, 18 WEST. NEW ENG. L. REV. 5-46 (1996).
- Desperately Seeking Science*, in SYMPOSIUM: WHAT IS MEANING IN A LEGAL TEXT?, 73 WASH. U. L. Q. 1009-23 (1995).
- Law and Philosophy, Philosophy and Law*, in LAW AND HERMENEUTICS ROUNDTABLE 26 U. TOL. L. REV. 127-46 (1994).

## Articles

- “Freedom’s Just Another Word for Nothin’ Left to Lose” The Ongoing Struggle to Properly Regulate the Gig Economy in California*, REVISTA DA AGU, BRASILIA-DF 21:4 (October/December 2022), pp. 17-44. (with Jeff Michael).
- Cannabis and the California Workplace*, 54 U. SAN. FRAN. L. REV. 269-92 (2019) (with Meghan Shiner).
- Judging Well*, 11 WASH. U. JUR. REV. 1-37 (2018).
- In cerca della donna regionevoles. La retorica antidiscriminatoria negli Stati Uniti*, REVISTA CRITICA DEL DIRITTO PRIVATO (Trans. Silvia Niccolai) (2013) (“In Search of the Reasonable Woman: Anti-discrimination Rhetoric in the United States.”)
- Rhetoric and Dialectic in Legal Argumentation: Realizing Alessandro Giuliani’s Aristotelian Theory*, Proceedings of the International Society for the Study of European Ideas, July 2-6, 2012. Posted online at: <https://lekythos.library.ucy.ac.cy/bitstream/handle/10797/6178/ISSEIproceedings-Mootz.pdf?sequence=1>
- Even Moe Dalitz Would Blush: Why the District Attorney Has No Business Collecting Unpaid Casino Markers*, 3 UNLV Gaming L.J. 59-80 (2012).
- Vico, Llewellyn and the Task of Legal Education*, 57 LOYOLA L. REV. 135-56 (2011).
- Vico and Imagination: An Ingenious Approach to Educating Lawyers with Semiotic Sensibility*, 22 INT’L. J. FOR THE SEMIOTICS OF LAW 11-22 (2009).
- After the Battle of the Forms: Commercial Contracting in the Electronic Age*, 4 I/S: J. OF L. & POL’Y FOR THE INFORMATION SOC’Y 271-343 (2008) (peer refereed journal).
- After Natural Law: A Hermeneutic Response to Law’s Quandary*, 9 RUTGERS J. OF L. AND RELIGION (Number 2, 2008).
- Responding to Nietzsche: The Constructive Power of Destruktion*, 3 LAW, CULTURE AND THE HUMAN. 127-54 (2007) (peer refereed journal) (reprinted in GADAMER AND LAW (2007) and in NIETZSCHE AND LAW (2007)).
- Belief and Interpretation*, 21 J. OF LAW AND RELIGION 385-99 (2006) (peer refereed journal).
- A Future Foretold: Neo-Aristotelian Praise of Postmodern Legal Theory*, 68 BROOK. L. REV. 683-719 (2003).
- Holding Liability Insurers Accountable for Bad Faith Litigation Tactics with the Tort of Abuse of Process*, 9 CONN. INS. L.J. 467-525(2003) (reprinted in the Institute of Chartered Financial Analysts of India (ICFAI) Journal of Insurance Law, 2004).
- Psychotherapeutic Practice as a Model for Postmodern Legal Theory*, 12 YALE J. L. & HUMAN. 299-395 (2000).
- Law in Flux: Philosophical Hermeneutics, Legal Argumentation and the Natural Law Tradition*, 11 YALE J. L. & HUMAN. 311-82 (1999).
- Rhetorical Knowledge in Legal Practice and Theory*, 6 S. CAL. INTERDISC. L.J. 491-611 (1998).
- Insurance Coverage of Employment Discrimination Claims*, 52 MIAMI L. REV. 1-78 (reprinted at 48 DEFENSE L.J. 545-644 (1999)).
- Legal Classics: After Deconstructing the Legal Canon*, 72 N.C. L. REV. 977-1038 (1994).
- The Paranoid Style in Contemporary Legal Scholarship*, 31 HOUS. L. REV. 873-88 (1994).

*Rethinking the Rule of Law: A Demonstration That the Obvious Is Plausible*, 61 TENN. L. REV. 69-195 (1993).

*Is the Rule of Law Possible in a Postmodern World?*, 63 WASH. L. REV. 249-305 (1993).

*Postmodern Constitutionalism as Materialism*, 91 MICH. L. REV. 515-25 (1992)  
(correspondence) (reprinted in POSTMODERNISM AND LAW (Dennis Patterson ed., 1994)).

*The Ontological Basis of Legal Hermeneutics: A Proposed Model of Inquiry Based on the Work of Gadamer, Habermas and Ricoeur*, 68 B.U.L. REV. 523-617 (1988).

### Review Essays

*Book Review* of LILLIAN L. BEESON, PERSUASION: THEORY AND APPLICATIONS (Oxford: Oxford Univ. Press, 2014), 11 LEGAL COMM. & RHETORIC 181-84 (2014) (Peer reviewed and solicited).

*Book Review* of DONATELLA DI CESARE, GADAMER: A PHILOSOPHICAL PORTRAIT, (Niall Keane, tr.) (Bloomington IN: Indiana University Press, 2013), NOTRE DAME PHILOSOPHICAL REVIEWS 2013.12.08 (2013) (Peer reviewed and solicited), available at: <http://ndpr.nd.edu/news/44788-gadamer-a-philosophical-portrait/>

*Book Review* of GUSTAV SHPET'S CONTRIBUTION TO PHILOSOPHY AND CULTURAL THEORY (Galina Tihanov, ed.) (West Lafayette IN: Purdue University Press, 2009), 25 INT'L J. FOR THE SEMIOTICS OF LAW 153-55 (2012) (Peer reviewed and solicited).

*Law as Language*, JURIST: BOOKS ON LAW, Vol. 2, No. 7 (September 1999)  
<<http://jurist.law.pitt.edu/lawbooks/revsep99.htm>> [reviewing PETER M. TIERSMA, LEGAL LANGUAGE (1999)] [solicited review essay].

*Between Truth and Provocation: Reclaiming Reason in American Legal Scholarship*, 10 YALE J. LAW & HUMAN. 605-46 (1998) [reviewing DANIEL A. FARBER AND SUZANNA SHERRY, BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW (1997)].

*The New Legal Hermeneutics*, 47 VAND. L. REV. 115-43 (1994) [reviewing GREGORY LEYH, LEGAL HERMENEUTICS: HISTORY, THEORY AND PRACTICE (1992)].  
Reprinted in 39.2 ESTUDOS JURÍDICOS (UNISINOS, Brazil) 96-107 (2006).

### Professional Creative Writing

*See You in Hell, Boys!* NOTRE DAME MAGAZINE (2007).

### Editorial Positions and Review

Advisory Board and Reviewer, UNIVERSITY OF ALABAMA PRESS, *Series: Rhetoric, Law and the Humanities* (2016-present)

Advisory Board, University of Bologna Law Review (2016-present)

Member, Editorial Board and Peer Reviewer, INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW (2008-present).

Member, Organizing Committee for the Association of Law, Culture and the Humanities (2008-11).



Member, Editorial Advisory Board and Peer Reviewer, *LAW, CULTURE AND THE HUMAN.: AN INTERDISCIPLINARY JOURNAL* (2004-present).  
 Peer Reviewer, *ROUTLEDGE* (Book proposal, 2011).  
 Peer Reviewer, *PHILOSOPHY AND RHETORIC* (Article reviews, 2009 and 2013).  
 Peer Reviewer, *CAMBRIDGE UNIVERSITY PRESS* (Book proposal, 2006).  
 Peer Reviewer, *STUDIES IN LAW, POLITICS AND SOCIETY* (Elsevier Press).  
 Peer Reviewer, *CONNECTICUT INSURANCE LAW JOURNAL* (Article review, 2006).

## PRESENTATIONS

### Featured Speaking Engagements

*Invited Speaker*, Golden Bear Ins. Cannabis Conference (Stockton, CA, March 2023)  
*Invited Speaker*, St. Mary's Symposium on Legal Malpractice and Ethics, San Antonio, Texas, February 1, 2019.  
*Invited Co-Plenary Speaker*, West Coast Rhetoric Conference, University of Nevada Las Vegas, William S. Boyd School of Law, November 17-18, 2016.  
*Invited Speaker*, War On: The Fallout of Declaring War on Social Issues, convened at the University of Iowa College of Law, March 3-4, 2011.  
*Invited Speaker*, Joseph T. McCullen Symposium on Catholic Social Thought and Law, a Symposium devoted to publication of JEAN PORTER, *MINISTERS OF THE LAW* (2010), convened in Villanova, PA, October 18-19, 2010.  
*Invited Speaker*, "Who is Calling?: Responsible Hermeneutics – Hermeneutics of Responsibility," a conference of peer-reviewed papers convened by the Department of Philosophy, Aarhus University, Denmark, June 3-4, 2010.  
*Featured Speaker*, Supersession: *The New Rhetoric Reads Lawrence v. Texas* Rhetoric Society of America Annual Meeting, Minneapolis, MN, May, 2010.  
*Featured Speaker*, "Law and Rhetoric Workshop."  
 National conference convened by Mercer University School of Law at San Diego, California in January, 2009.  
*Invited Speaker*, "Antidiscrimination Discourse and Practices."  
 International conference convened by the Jean Monnet Chair of European Law at Cagliari University, Sardinia, Italy in December 2008.  
*Invited Speaker*, "Legal Education: Isocrates, Vico and Perelman."  
 International symposium convened by the Perelman Center at the Free University of Brussels in October, 2008 on the theme, "Argumentation at the Core of Law, to celebrate the 50<sup>th</sup> anniversary of the publication of CHAÏM PERELMAN AND LUCIE OLBRECHT-TYTECA, *THE NEW RHETORIC*.  
*Invited Speaker*, "Is the United States a Secular Nation? Reflections on the Upcoming Presidential Election," an open forum convened by the Alumni Association and the Free University of Brussels in October, 2008.  
*Featured Speaker*, "Perelman's Theory of Argumentation and Natural Law." International conference on "The Promise of Reason" convened at the University of Oregon in May, 2008 to celebrate the 50<sup>th</sup> anniversary of the publication of CHAÏM PERELMAN AND LUCIE OLBRECHT-TYTECA, *THE NEW RHETORIC*.

### Presentations to Faculties

- After the Battle of the Forms: Commercial Contracting in the Electronic Age*  
William S. Boyd School of Law, University of Nevada Las Vegas
- Rhetorical Knowledge in Legal Practice and Critical Legal Theory*  
UNISINOS, São Leopoldo, Brasil (October, 2007) (3 lecture short course)  
PUCRS, Porto Alegre, Brasil (October, 2007)  
UFSC, Florianópolis, Brasil (October, 2007)  
UFPR, Curitiba, Brasil, (October, 2007)
- Good Faith in American Contract Law: History and Prospects*  
UNISINOS, São Leopoldo, Brasil (October, 2007)
- Litigation Norms for Insurers*  
University of Missouri-Columbia School of Law (September, 2007)
- Litigation Norms for Insurers*  
University of Pittsburgh School of Law (October, 2006)
- Insurer Liability to Third Party Claimants for Bad Faith Settlement Practices*  
College of William and Mary Law School (November, 2002)  
Dickinson School of Law (April, 2001)

### Conference Presentations

- Organizer and Moderator*, American Association of Law Schools (2019 Annual Meeting, New Orleans), Section on Law and Interpretation.  
Program: Corpus Linguistics
- Presenter*, SEALS (2019 Annual Meeting, Boca Raton)  
Program: Cannabis Discussion Group
- Presenter*, Statutory Interpretation (May 2018, Cambridge University, UK).
- Presenter*, Rhetoric Society of America (2018 Annual Meeting, Milwaukee)  
Program: Celebrating Classical Rhetoric and Building Contemporary Law.
- Co-Organizer and Presenter*, Conference on Justice Scalia: Rhetoric and the Rule of Law (May 2017, Sacramento).  
Paper: Party Like It's 1989.
- Presenter*, Conference on What Lawyers Can Learn about Legal Interpretation from Linguistics and Philosophy (May 2015, Sacramento).  
Paper: Getting Over the Originalist Fixation.
- Presenter*, International Congress on Law and Mental Health (2015, Vienna Austria)  
Program: Workplace Crime, Immigrant Victims and Justice
- Presenter*, Rhetoric Society of America (2014 Annual Meeting, San Antonio)  
Program: The Borders of Law and Rhetoric
- Presenter*, Association of American Law Schools (AALS) (2013 Annual Meeting, New Orleans)  
Program: Institutional Responsibility for Sex and Gender Exploitation

- Presenter*, Association for the Study of Law, Culture and the Humanities (ASLC&H) (2012 Annual Meeting, Ft. Worth, TX)  
Program: Immigration Law and Theory
- Presenter*, Roberta Kevelson Semiotics Roundtable (2012; Carlisle, PA)  
Program: The (Un)Ethical Surplus of the War on Illegal Immigration.
- Presenter*, Association for the Study of Law, Culture and the Humanities (ASLC&H) (2011 Annual Meeting, Las Vegas, NV)  
Program: Political Rhetoric
- Presenter*, Semiotic Circle of Northern California (2011; Berkeley, CA)
- Presenter*, Rhetoric Society of America (2010 Annual Meeting, Minneapolis)  
Program: Neglected Areas of Legal Rhetoric
- Presenter*, Association for the Study of Law, Culture and the Humanities (ASLC&H) (2010 Annual Meeting, Providence, RI)  
Program: Legal Rhetoric: Pedagogy, Practice and Critique
- Chair and Discussant*, Association for the Study of Law, Culture and the Humanities (ASLC&H) (2009 Annual Meeting, Boston, MA)  
Program: Law and Rhetoric
- Presenter*, Association for the Study of Law, Culture and the Humanities (ASLC&H) (2009 Annual Meeting, Boston, MA)  
Program: Humanistic Approaches to Legal Education  
Program: Author Meets Readers [On my book, RHETORICAL KNOWLEDGE IN LEGAL PRACTICE AND CRITICAL LEGAL THEORY]
- Presenter*, Section on Law and Religion (2009 Annual Meeting of the Association of American Law Schools).  
Paper: “Faithful Hermeneutics”
- Presenter*, South Eastern Association of Law Schools (SEALS) (2008 Annual Meeting, West Palm Beach, FL)  
Paper: “The New Legal Realism”
- Presenter*, Rhetoric Society of America (2008 Annual Meeting, Seattle)  
Paper: “Rhetorical Knowledge in Legal Practice and Critical Legal Theory”
- Presenter/Chair and Discussant*, Association for the Study of Law, Culture and the Humanities (ASLC&H) (2008 Annual Meeting, Berkeley, CA)  
Program: Vico on Justice: A Roundtable  
Program: Ontology and Law
- Presenter*, 2008 International Conference on Contracts (Sacramento, CA)  
Paper: “After the Battle of the Forms: Commercial Contracting in the Electronic Age”
- Presenter*, Society for Ricoeur Studies (2007 Annual Meeting, Chicago, IL)  
Paper: “Critical Hermeneutics: Philosophy or Rhetoric?”
- Presenter*, ASLC&H (2007 Annual Meeting, Washington, D.C.)  
Paper: “After Natural Law”
- Presenter*, ABA Section of Business Law 2007 Spring Meeting (Washington, D.C.)  
Paper: “Have Commercial Parties Stopped Fighting the Battle of the Forms?”

*Presenter*, After Ricoeur: An Interdisciplinary Conference (Oklahoma City Univ., 2006)

Paper: “Ricoeur’s Critical Hermeneutics and the Psychotherapeutic Model of Critical Theory”

*Presenter*, Law and Society Association (2006 Annual Meeting, Baltimore)

Paper: “Getting Beyond Legal Orientalism: The Hermeneutical Significance of Foreign Constitutional Law”

*Presenter*, ASLC&H (2006 Annual Meeting, Syracuse)

Paper: “Legal Orientalism”

*Presenter*, Critical Legal Conference (2005 Annual Meeting, Canterbury UK)

Paper: “Getting Beyond Orientalism”

*Presenter*, ASLC&H (2005 Annual Meeting, Austin, TX)

Program: *Jaroslav Pelikan’s INTERPRETING THE BIBLE AND THE CONSTITUTION*

*Presenter*, Third Circuit Judicial Conference (2004 Annual Meeting, Hershey)

Program: Statutory Interpretation after *Lamie*, *Cybergenics* and *Price*

*Presenter*, Society for Phenomenology and Existentialist Philosophy (SPEP) (2004 Annual Meeting, Memphis) [Paper selected by blind peer review process]

Paper: “Critical Legal Hermeneutics: Between Gadamer and Nietzsche”

*Presenter*, Rhetoric and Democracy: About An African Athens (Cape Town, South Africa, June 2004).

Program: The Rhetoric and Law Initiative

*Chair and Organizer*, ASLC&H (2004 Annual Meeting, Hartford, CT)

Program: *Eugene Garver’s FOR THE SAKE OF ARGUMENT: PRACTICAL REASONING, CHARACTER, AND THE ETHICS OF BELIEF*

*Presenter*, Law and Society Association (2003 Annual Meeting, Pittsburgh)

Program: Deconstruction and Construction of Law

*Organizer, Chair and Presenter*, ASLC&H (2003 Annual Meeting, New York)

Program: Responses to Nietzsche’s Destruction of Legal Argumentation (Two panels with seven presenters)

*Presenter*, Critical Legal Conference, (2003 Annual Meeting, London)

Program: *Terminal Legality*

*Presenter*, ASLC&H (2002 Annual Meeting, Philadelphia, PA).

Program: The Postmodern Aristotle

*Presenter*, Nietzsche and Legal Theory, Cardozo School of Law (invited participation in 2-day Symposium) (October 2001)

Program: Gay Science as Law

*Presenter*, Critical Legal Conference, (2001 Annual Meeting, Canterbury UK)

Program: Sovereignty in Legal Practice and Legal Theory

*Chair/Presenter*, 2001 Joint Int’l. Conference of the Law and Society Association and Research Committee on Sociology of Law (Budapest, Hungary)

Program: Social Theory and Legal Theory [Presenter]

Program: Environmental Regulation in International Perspective [Chair]

*Presenter*, ASLC&H (2001 Annual Meeting, Austin, TX)

Program: Nietzsche, Aesthetics and Radical Hermeneutics

Organizer and Chair, ASLC&H (2000 Annual Meeting, Washington, D.C.)  
Program: Philosophical Hermeneutics and Critical Legal Theory  
 Panel I: Theoretical Issues; Panel II: Applications to Practice  
 Chair/Presenter, ASLC&H (1999 Annual Meeting, Winston-Salem, N.C.)  
Programs: Is Justice Transcendental? and Critical Perspectives on Law.  
 Presenter, ASLC&H (1998 Annual Meeting, Washington, D.C.)  
Program: Hermeneutics and the Law  
 Chair and Presenter, Law and Society Association (1997 Annual Meeting, St. Louis)  
Program: Psychoanalytic Jurisprudence Redux  
 Section Chair and Organizer, AALS Section on Law and Interpretation (1997)  
Program: Natural Law after the Interpretive Turn  
 Organizer and Presenter, 1996 Joint Conference of the Law and Society Association and  
 Research Committee on Sociology of Law (Glasgow, Scotland)  
Program: Interpreting the Rhetorical Turn

## Legal Practice

**Halloran & Sage**, Hartford, CT, *Associate*, 1986-90.

Advised and represented clients regarding a variety of business disputes involving contract, employment, construction, insurance, and corporate issues. Appeared and argued before state and federal courts and administrative agencies and in arbitration proceedings. Assumed primary responsibility for numerous files and clients, generally construction subcontractors. Represented clients in family court on a *pro bono* basis; projects included seeking dissolutions, securing support enforcement orders, and obtaining TROs.

### Practice Oriented Publications

*Insuring the Product Liability Risks of Cannabis*, (September 2017) (with Ian A. Stewart) <<https://ssrn.com/abstract=3111600>>  
*Georgia Finds Insurance Coverage for Sexual Harassment Despite “Employment” Exclusion in Umbrella Policy*, <<http://www.theexpertsforum.com>>  
*Securing Insurance Coverage for Employment Discrimination Claims Under General Liability Policies*, 2 BNA INS. COV. LIT. REP. 116 (Jan. 26, 1996) and 6 BNA EMP. DISCRIM. REP. 25 (Jan. 3, 1996)  
*The Enforceability of Paid When Paid Clauses in Construction Contracts*, 64 CONN. BAR J. 257 (1990).  
*What Do Judges Do When They Interpret the Constitution?*, 61 CONN. BAR J. 349 (1987).

### Practice-Oriented Presentations

Presenter, “Standard Policies and Cannabis,” Business Insurance Journal, Cannabis and Hemp Conference (New York City, October 2019).  
 Presenter, Independent Insurance Agents and Brokers of California Webinar: “Cannabis and the California Workplace: Insurance Implications” (with Meghan Shiner) (June 2019).

- Presenter*, “Employee Rights Regarding Cannabis Use, Big I Conference (with Elisa Levy) (Sacramento, October 2018).
- Presenter*, “Employers and HR Professionals: Weeding through State-Legal Cannabis,” Sacramento Area Human Resource Association (with Elisa Levy) (Annual Meeting, September 2018).
- Presenter*, “Personal Lines and Cannabis,” Independent Insurance Agents and Brokers of California InsurPath Conference (Fresno, February 2018).
- Presenter*, “Managing Cannabis Risks,” California Cannabis Industry Association Business Conference (Anaheim, CA, September 2017).
- Presenter*, Cozen O’Connor Global P&C Claims Think Tank (Palm Beach, FL, May 2017).
- Presenter*, Professional Liability Underwriting Society, Program on Employment Practices Liability Insurance (New York, April, 2000)
- Co-Chair and Presenter*, Professional Liability Underwriting Society, Program on Employment Practices Liability Insurance (New York, March, 1999)
- Presenter*, Institute of Management Education, Inc.  
Topic: “Managing the Risk of Employment Liabilities”  
Presented: April, 1999 and January, 1998
- Presenter*, University of Connecticut Center for Professional Development  
Seminar: “Employment-Related Practices: Liability Coverage and Law”  
Presented: April, 1997 and April, 1996
- Panel Speaker*, A.B.A. Annual Meeting (Chicago, August, 1995)  
Tort and Insurance Practice Section Program Topic: “Insurance Coverage of Employment Disputes.”