

CURRICULUM VITAE

DAVID S. CAUDILL

Arthur M. Goldberg Family Chair &
Professor of Law
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Personal: 66 years old, one son

EDUCATION

Graduate Student, Science & Technology Studies Program, Virginia Tech, 2001 (sabbatical)
Candidate, Research Affiliate program, Washington Psychoanalytic Institute, 1994-95 (sabbatical)
Ph.D. (philosophy), Vrije Universiteit Amsterdam, March 1989
J.D., University of Houston Law Center, May 1981
B.A. (philosophy), Michigan State University, April 1973

AWARDS AND HONORS

2007-2008 Fellow, Société de Chimie Industrielle (American Section) (in residence at the Chemical Heritage Foundation in Philadelphia, Jan.-May 2008)(sabbatical)
SKAPP Grant Recipient, Feb.-Nov. 2007, to study TMDL disputes in EPA Region 3.
Faculty Curriculum Fellowship, May 2007, Villanova University, for Catholic Social Teaching Workshop
Senior Fellow, University of Melbourne Law Faculty (2004-present)(teaching expert evidence & entertainment law)
Alumni Faculty Fellowship for scholarship, Washington & Lee University, 2003/2004 & 2004/2005
Executive Committee, Evidence Section, AALS, 2007-present (Secretary 2012, Chair-elect 2013, Chair 2014)
Executive Committee, Sports Law Section, AALS, 1999 - 2012 (Chair, 2001 & 2009)
Editorial Board, Law & Critique, 1996-present
Chair, Law & Psychoanalysis Committee, Assoc. for Psychoanalysis of Culture & Soc., 1996-2000
Gambrell Award for Professionalism (ABA), given to W&L Law for the Law & Lit. Program (1997)
NEH Summer Seminar participant (History of Madness: 1600-1950, Univ. Calif.-San Diego), 1995
Visiting Fellow, Center for Public Justice (Annapolis, MD), 1995
Editor in Chief, Houston Law Review, 1980-81
Judge John H. Wood, Jr. Memorial Fellowship, 1981
Insignis Officio Dedicato (Faculty Distinguished Service Award), 1981
Articles Editor, Houston Journal of Int'l Law, 1980-81
Law Review Interdisciplinary Writing Award, 1979-80

TEACHING EXPERIENCE

ARTHUR M. GOLDBERG FAMILY CHAIR & PROFESSOR OF LAW, Villanova University, School of Law: courses in property, professional responsibility, and law, science and & advocacy (Jul. '05 – present); academic advisor to the Moorad Center for the Study of Sports Law (Jul. '12—present)

PROFESSOR, Washington and Lee University, School of Law: courses in contracts, property, sports & entertainment law, professional responsibility, jurisprudence, and law & psychology (Jul. '97-Jul. '05); ASSOCIATE PROFESSOR (Jul. '94-Jun. '97); ASSISTANT PROFESSOR (Jul. '89- Jun. '94); Coordinator, Integrated Legal Research and Writing Program (Jul. '93-Dec. '99); Director, Fall Alumni Law & Literature Weekend (Oct. '93- Oct. '12)

VISITING PROFESSOR, Southern Illinois University School of Law (1998-1999; constitutional law, law & literature, federal courts, sports law); Cardozo School of Law (spring 1998; contracts); Univ. of San Diego Law School (summer 1996; prof. resp.); Univ. of Florida School of Law (summer 1995; prof. resp.); Univ. Texas School of Law (summer 1990; prof. resp.)

ADJUNCT PROFESSOR, University of Texas School of Law: courses in commercial real estate acquisition, development and finance; jurisprudence (Jan. '87-May '89)

ADJUNCT PROFESSOR, University of Houston Law Center: seminar on contemporary jurisprudence (Jan. '86- May '86); LECTURER, Hotel Law, University of Houston (1980-81)

LAW PRACTICE EXPERIENCE

ASSOCIATE, Graves, Dougherty, Hearon & Moody, Austin, Texas. Real Estate Section: commercial sale/lease transactions, financing, and land use planning; some sports law practice (players and team owners) (Apr. '85- Aug. '89)

ASSOCIATE, Gray, Cary, Ames & Frye, San Diego, California. Real Estate Dept.: real estate securities, partnerships, commercial sale/lease transactions, and general corporate work for real estate clients (Sep. '82- Mar. '85)

LAW CLERK to Judge John R. Brown, U.S. 5th Circuit Court of Appeals (May '81-May '82)

MILITARY EXPERIENCE

OFFICER, U.S. Air Force (2nd/1st Lieutenant), Weapons Systems Officer (back-seater), F-4 Phantoms (Apr '74-'76) (Bitburg AFB, Germany)

OFFICER, U.S.A.F. Reserves (Captain), Navigator, C-130 Hercules (May '78-'82) (Kelly AFB, Texas)

PUBLICATIONS

BOOKS

STORIES ABOUT SCIENCE IN LAW: LITERARY AND HISTORICAL IMAGES OF ACQUIRED EXPERTISE, 2011, Ashgate Press

NO MAGIC WAND: THE IDEALIZATION OF SCIENCE IN LAW, 2006, Rowman & Littlefield (co-authored with L.H. LaRue)

PROPERTY: CASES, DOCUMENTS, AND LAWYERING STRATEGIES, 2d ed. 2008, LexisNexis (co-authored with David Crump and David Hricik)

LACAN AND THE SUBJECT OF LAW: TOWARD A PSYCHOANALYTIC CRITICAL LEGAL THEORY, 1997, Humanities Press

RADICAL PHILOSOPHY OF LAW: CONTEMPORARY CHALLENGES TO MAINSTREAM LEGAL THEORY AND PRACTICE, 1994, Humanities Press (a collection of essays co-edited with Steven J. Gold)

DISCLOSING TILT: LAW, BELIEF & CRITICISM, 1989, Free University Press, Amsterdam

CHAPTERS IN BOOKS

"Emerging Rights in Live Spectacles and Other Ephemera," in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY IN MEDIA AND ENTERTAINMENT (eds. Richardson & Ricketson, 2017, Edward Elgar Publishing).

"Law and Psychoanalysis," in THE ROUTLEDGE HANDBOOK OF PSYCHOANALYSIS IN THE SOCIAL SCIENCES AND HUMANITIES (eds. Anthony Elliott & Jeffrey Prager, Routledge 2015).

"Laboratory Life and the Economics of Science in Law," in LATOUR AND THE PASSAGE OF LAW, ed. Kyle McGee, Edinburgh University Press (2015)

"On Realism's Own *Hangover* of Natural Law Theory: Llewellyn avec Dooyeweerd," in ON PHILOSOPHY IN AMERICAN LAW, ed. Jay Mootz, Cambridge University Press (2009)

"Lacan, Law, and Science: Striking the Balance Between Real and Symbolic," in VERSCHRANKEN VON SYMBOLISCHEM REALEM: ZUR AKTUALITÄT VON LACANS DENKEN IN DEN KULTURWISSENSCHAFTEN, ed. J. Bonz, G. Febel & I. Hartel, 2007, Kulturverlag Kadmos Berlin

"Neo-Calvinism and Science: A Christian Perspective on Post-*Daubert* Law/Science Relations", in FAITH AND LAW: HOW RELIGIOUS TRADITIONS FROM CALVINISM TO ISLAM VIEW AMERICAN LAW, ed. Robert Cochran, 2008, NYU Acad. Press

“Ethical Dimensions of Law/Science Relations in the Courtroom,” Chapter 10 in *EXPERTISE IN LAW AND REGULATION*, eds. Gary Edmond & David Mercer, 2004, Ashgate Press

“A Calvinist Perspective of the Place of Faith in Legal Scholarship” and “Law and Belief: Critical Legal Studies and Philosophy of the Law-Idea,” in *CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT*, eds. M. McConnell, R. Cochran, & A. Carmella, 2001, Yale University Press

“Lacanian Social Psychoanalysis: Religion and Community in a Pluralistic Society,” in *THE SUBJECT OF LACAN: A LACANIAN READER FOR PSYCHOLOGISTS*, eds. K. Malone & S. Friedlander, 2000, SUNY Press

“The Future of Freud in Law,” in *FREUD 2000*, ed. A. Elliot, 1998, Polity Press

“Freud and Critical Legal Studies: Contours of a Radical Socio-legal Psychoanalysis,” in *LEGAL STUDIES AS CULTURAL STUDIES: A READER IN (POST) MODERN CRITICAL THEORY*, ed. J. Leonard, 1995, SUNY Press

“Two Critiques of Legal Ideology,” in *POLITICAL THEORY & CHRISTIAN VISION*, ed. J. Champlin & P. Marshall, 1994, Univ. Press of America

“Philosophy with a Focus” (introduction to the book) and “Re-returning to Freud: Critical Legal Studies as Cultural Psychoanalysis,” in *RADICAL PHILOSOPHY OF LAW*, eds. D. Caudill & S. Gold, 1994, Humanities Press

“Two Ideological Monsters: The Subject of the Bar and the Object of Desire in *Bleak House*,” in *LEGALITY AND ILLEGALITY*, eds. R. Janikowsky & D. Milovanovic, 1994, Peter Lang

“Name-of-the-Father and the Logic of Psychosis: Lacan’s Law and Ours,” in *FLUX, COMPLEXITY, AND ILLUSION*, ed. R. Kvelson, 1993, Peter Lang

“Jacques Lacan and Our State of Affairs: Preliminary Remarks on Law as Other,” in *LAW AND THE HUMAN SCIENCES*, vol. III, ed. R. Kvelson, 1992, Peter Lang

“Psyche as Text: Lacan’s Return to Freud the Semiotician,” in *LAW AND AESTHETICS*, ed. R. Kvelson, 1992, Peter Lang

ARTICLES

“An Assessment of the Existence and Influence of Psychoanalytic Jurisprudence in the United States,” 48 *INTERNATIONAL JOURNAL OF LAW AND PSYCHIATRY* 15 (September–October 2016), translated into Spanish and published as “¿El derecho en el diván del analista?: los usos de la teoría psicoanalítica en la academia estadounidense contemporánea (Law on the analyst’s couch?: the uses of psychoanalytic theory in contemporary U.S. scholarship,” in 77 *DERECHO PUCP* (Pontifical Catholic University of Peru) 49 (2016).

Remembering Pether on Precedent: Crossing (National and Disciplinary) Borders,” 61 *VILLANOVA L. REV.* 465 (2016).

“Law, Science, and the Economy: One Domain?,” 5 *UC IRVINE L. REV.* 393 (2015).

“Controversial Defenses to Legal Malpractice Claims: Are Attorney Experts Being Asked to be Advocates?,” 5 *ST. MARY’S J. LEG. MALPRACTICE & ETHICS* 312 (2015).

“Economics and/of Science: The Meaning(s) of Financial Bias and the Ideal of Interest-Free Science in Law,” 16 *SMU SCI. & TECH. L. REV.* 247 (2013).

“Science, Technology, and Catholic Identity in the Education of Professionals” (co-authored with Keith Warner), 16(2) *CATHOLIC EDUCATION: A JOURNAL OF INQUIRY & PRACTICE* 239 (March 2013).

“Alcohol-Induced Blackout as a Criminal defense of Mitigating Factor: An Evidence-Based Review and Admissibility as Scientific Evidence” (Co-authored with Mark Pressman), 58(4) *J. FORENSIC SCIENCE* 932 (2013).

“The Roles of Attorneys as Courtroom Experts: Revisiting the Conventional Limitations and Their Exceptions,” 2 *ST. MARY’S J. LEG. MALPRACTICE & ETHICS* 136 (2012).

- "Boundary Work: Transcendence and Authoriality in Religious and Secular Law," 26 INT'L J. SEMIOTICS OF LAW 149 (2013)
- "Expertise, Lab Lit, and the Fantasy of Science Free from Economics," 33 CARDOZO L. REV. 2471 (2012)
- "Lawyers Judging Experts: Oversimplifying Science and Undervaluing Advocacy to Construct an Ethical Duty?," 38 PEPPERDINE L. REV. 677(2011)
- "On the Rhetorical Invention of a Failed Project: A Critical Response to Skeel's Assessment of Christian Legal Scholarship," 40 SETON HALL L. REV. 971 (2010)
- "Sports Agents and Agent-Attorneys: Discourses on Crossing Jurisdictional and Professional Boundaries," 43 AKRON L. REV. 697 (2010)
- "Legal Responses to Body Burdens: Discourses on Low-Dose Toxicity," 18 GRIFFITH L. REV 259 (2009)
- "Synthetic Science: A Response to Rabinow," 21 LAW AND LITERATURE 421 (2009)
- "Arsenic and Old Chemistry: Images of Mad Alchemists, Experts Attacking Experts, and the Crisis in Forensic Science," 15 BOSTON UNIV. J. SCI. & TECH. L. 1 (2009).
- "Strategic Idealizations of Science to Oppose Environmental Regulation: A Case Study of Five TMDLs," 57 KANSAS L. REV. 251 (2009)
- "The Year of Truman Capote: Legal Ethics and *In Cold Blood*," 86 OREGON L.REV. 295 (2008)
- "Idealized Images of Science in Law: The Expert Witness in Trial Movies," 82 ST. JOHN'S L. REV. 921 (2008)
- "Images of Expertise: Converging Discourses on the Use and Abuse of Science in *Massachusetts v. EPA*," 18 VILLANOVA ENV. L.J. 185 (2007)
- "Legal Ethics and Scientific Testimony: In Defense of Manufacturing Uncertainty, Deconstructing Experts, and Other Trial Strategies," 52 VILLANOVA L. REV. 953 (2007)
- "Christian Legal Theory: The Example of Dooyeweerd's Critique of Romanist Individualism and Germanic Communitarianism in Property Law," 5 GEO. J.L. & PUB POL. 331 (2007)
- "Wolfe's Bonfire of the Vanities as a CLE Ethics Text," 57 SHENANDOAH 216 (2007)
- "Augustine and Calvin, Post-Modernism and Pluralism", 51 VILLANOVA L. REV. 299 (2006)
- "Parades of Horribles, Circles of Hell: Ethical Dimensions of the Publication Controversy", 62 WASH. & LEE L.REV. 1653 (Fall 2005)
- "*Sociotechnical Arguments in Scientific Discourse: Expert Depositions in Tobacco Litigation*", 24 REVIEW OF LITIGATION 1 (2005)
- "A Non-Romantic View of Expert Testimony", 35 SETON HALL L. REV. 1 (2004) (co-authored with Lewis H. LaRue)
- "Once More into the Breach: Contrasting U.S. and Australian Rights of Publicity," 9 MEDIA & ARTS L. REV. 263 (2004)
- "Professional *Deregulation* of Prosecutors: Defense Contact with Victims, Survivors, and Witnesses in the Era of Victims' Rights," 17 GEO. J. LEG. ETHICS. L.J. 103 (2003)
- "Re-visiting the Ethics of Representing Professional Athletes: Agents, Attorney-Agents, Full Service Agencies, and the Dream Team Model," 3 VA. SPORTS & ENT. L.J. 31 (2003)
- "Why Judges Applying the *Daubert* Trilogy Need to Know About the Social, Institutional, and Rhetorical, and Not Just the Methodological, Aspects of Science," 45 BOSTON COLLEGE L. REV. 1 (2003) (co-authored with Lewis H. LaRue)

- “Ibsen’s *An Enemy of the People* and the Public Understanding of Science in Law,” 16 GEO. INT’L ENV. L. J. 1 (2003)
- “Lacan, Science, and Law: Is the Ethnography of Science Psychoanalytic?,” 14 LAW & CRITIQUE 123 (2003)
- “Law-and-Literature, Literature-and-Science, and Enhancing the Discourse of Law/Science Relations, 27 J. LEG. PROFESSION 1 (2003)
- “Law, Science, and Science Studies: Contrasting the Deposition of a Scientific Expert with Ethnographic Studies of Scientific Practice,” 12 S. CAL. INTERDISC. L. J. 85 (2002)
- “Race [,] Science, History, and Law,” 9 WASH. & LEE R.E.A.L. J. 1 (2003)
- “Post-Trilogy Science in the Courtroom, Part II: What are the Judges *Still* Doing?,” 15 J. CIV. LITIG. 1 (2003) (co-authored with Lewis H. LaRue)
- “Advocacy, Witnesses, and the Limits of Scientific Knowledge: Is There an Ethical Duty to Evaluate Your Expert=s Testimony?,” 39 IDAHO L. J. 341 (2003)
- “Lacan and the Discourse of Science in Law,” 24 CARDOZO L. REV. 2331(2003)
- “Scientific Narratives in Law: An Introduction,” 14 LAW AND LITERATURE 253 (2002)
- “Ethnography and the Idealized Accounts of Science in Law,” 39 SAN DIEGO L. REV. 269 (2002)
- “Post-*Trilogy* Science in the Courtroom: What are the Judges Doing?,” 13 J. CIV. LITIG. 341 (2001) (co-authored with Lewis H. LaRue)
- “Law and Science: An Essay on Links and Socio-Natural Hybrids,” 51 SYRACUSE L. REV. 841 (2001)
- “Junk *Philosophy* of Science?: The Paradox of Expertise and Interdisciplinarity in Federal Courts,” 57 WASH. & LEE L. REV. 685 (2000) (co-authored with Richard Redding)
- “Fabricating Authenticity: Law Students as Country Music Stars,” 20 CARDOZO L. REV. 1573 (1999)
- “The Sports Law Course as Advanced Legal Skills Training,” 1 VA J. SPORTS & L. 246 (1999)
- “Identifying Law’s Unconscious: Disciplinary and Rhetorical Contexts,” 54 WASH. & LEE L. REV. 1075 (1997)
- “Lacan and the Critique of Legal Ideology: Reason and Religion in Law and Politics,” 82 THE PSYCHOANALYTIC REVIEW, 683 (1995)
- “Lacanian Ethics and the Desire for Law,” 16 CARDOZO L. REV. 793 (1995)
- “Pluralism and the Quality of Religious Discourse in Law and Politics,” 6 FLA. J.L. & PUB. POLICY 135 (1994)
- “Social Hysteria: A Response to Brion’s *Modern Witchcraft*,” 6 LAW & CRITIQUE 31 (1994)
- “Pierre Schlag’s *The Problem of the Subject*,” 15 CARDOZO LAW REV. 707 (1993)
- “The Politics of Doctrine: A Case Study of Texas Land Use Planning Under the Shadow of *Lucas*,” 5 HOFSTRA PROP. L. J. 11 (1992) (co-authored with Wm. T. Bray & J. Owen)
- “Lacan and Legal Language: The Meanings in the Gaps,” 3 LAW & CRITIQUE 169 (1992)
- “Environmental Permits: Land Use Regulation and Policy Implementation in Texas,” 23 ST. MARY’S L. J. 841 (1992) (co-authored with Wm. T. Bray et al.)
- “Freud and Critical Legal Studies: Contours of a Radical Socio-legal Psychoanalysis,” 66 IND. L. J. 651 (1991)
- “Once More, the Trilogy, in Retrospect: An Essay on the Virtues of Development Agreements in Texas,” 32 S. TEX. L. REV. 1 (1990)

“New Wave Land Use Regulation: The Impact of Impact Fees on Texas Lenders,” 19 ST. MARY’S L. J. 319 (1987) (co-authored with Wm. T. Bray & J. Owen)

“The Town Lake Manifesto: Zoning on the Ragged Edge of Law and Texas Cities,” 29 S. TEX. L. REV. 83 (1987) (co-authored with R. J. George)

“Disclosing Tilt: A Partial Defense of Critical Legal Studies and a Comparative Introduction to the Philosophy of the Law-Idea,” 72 IOWA L. REV. 287 (1987)

“Will the Clock Strike 13?,” Part I of AA Spectator’s Guide to *Aguillard v. Edwards*,” 17 CUMBERLAND L. REV. 87 (1986)

“Law and Worldview: Problems in the Creation-Science Controversy,” 3 J.L. & REL. 1 (1985)

“A Reconnaissance of Public Policy Restrictions upon Enforcement of Contracts Between Cohabitants,” 18 FAM. L.Q. 93 (1984)(with J. Thomas Oldham)

“Legal Recognition of Unmarried Cohabitation,” 49 TENN. L. REV. 537 (1982)

“The *Rechtsstaat*: Magic Wall or Material Necessity?,” 4 HOUS. J. INT’L LAW 169 (1982)

Comment, “Breaking out of the Capitalist Paradigm: The Significance of Ideology in Determining the Sovereign Immunity of Soviet and Eastern-bloc Commercial Entities,” 2 HOUS. J. INT’L LAW 425 (1981)

Comment, “Probability Theory and Constructive Possession of Narcotics: On Finding that Winning Combination,” 17 HOUS. L. REV. 541 (1980), reprinted in 21 JURIMETRICS 235 (1981)

ESSAYS

“Science in Law: Reliance, Idealization & Some Calvinist Insights,” 34(3) *Pro Rege* 1 (March 2011)

“Expert Scientific Testimony in Courts: The Ideal and illusion of Value-free Science,” *Pantaneto Forum* (on-line journal), 6/15/2010, available at: <http://www.pantaneto.co.uk/issue39/caudill.htm>

“Prefiguring the Arsenic Wars: Dr. Samuel Jackson’s Exposé of a False Accusation of Poisoning in Northumberland, Pennsylvania,” CHEMICAL HERITAGE (Mar. 2009), at 20-25.

“Legal Fictions,” 66:3 MEANJIN 23 (2007)

“Of Note” (discussing judicial publication practices), 27 JUSTICE SYSTEM J. 114 (2006)

“Professor LaRue and My Own Boot Camp”, 63 WASH. & LEE L.REV. 17 (2006)

“Three Things I learned from Buchanan about Being a Law Professor,” 41 HOUS. L. REV. 242 (2004)

“Defense Contact with Victims, Survivors, and Witnesses,” included in CLE materials for Virginia Capital Clearinghouse Program (“Avoiding Death by Avoiding Trial”), April 4, 2003

“Barely Opening, then Slamming Shut, Science’s *Black Box* in Law: A Response to Beecher-Monas= *Heuristics*,” 23 CARDOZO L. REV. 1795 (2002)

“Give me a line in a U.S. Supreme Court opinion or in the official commentary to the rules of evidence, and I will move the [legal] world,” 39 HOUS. L. REV. 437 (2002)

“Foreword to the Survey [From Blueprints to Bricks: a survey of current baseball stadium financing projects]”, 34 THE URBAN LAWYER 331 (2002)

“Modes of Law: Music and Legal Theory: An Interdisciplinary Workshop Introduction,” 20 CARDOZO L. REV. 1325 (1999)(co-authored with D. Manderson)

“On the Object of Arrigo’s Critique,” 12 INT’L J. SEMIOTICS OF LAW 91 (1999)

“Law and the Science Wars,” 23 S. ILL. L. J. 545 (1999)

- “A Calvinist View of Legal Scholarship,” 47 J. LEG. EDUC. 19 (1997)
- “Law as Literature: The Second Half of the Law and Literature Movement,” EDUCATION & PRACTICE, Fall ‘97, p. 1
- “In the Wake, or At the Wake, of Psychoanalytic Jurisprudence?” [Guest Editor’s Introduction to Symposium: *The Wake of Psychoanalytic Jurisprudence*], 20 LEG. STUD. FORUM 188 (1996)
- “Why Would a Lacanian Socio-Legal Analyst Care about Scientific Validity? A Response to Redding,” 75 OREGON L. REV. 811 (1996)
- “On the Naming of Paranoia in Legal Scholarship,” 33 HOUS. L. REV. 215 (1996)
- “Law’s Appropriations of Psychoanalysis,” 1 J. PSYCHOAN. CULT. & SOC. 127 (1996)
- “Lacanian Social Psychoanalysis: Religion and Community in a Pluralistic Society,” 26 CUMBERLAND L. REV. 125 (1995)
- “Sympathy for the Devil: Reflections on the Crime/Fraud Exception to Client Confidentiality,” 8 ST. JOHN’S J. LEG. COMMENT. 369 (1993)
- “Judge John R. Brown: Enjoyment of Law as Enjoyment of Life,” 14 MISS. COLLEGE L. REV. 19 (1993)
- “Name-of-the-Father and The Logic of Psychosis: Lacan=s Law and Ours,” 16 LEG. STUD. FORUM 421 (1993)
- “Lacan and Law: Networking with the Big O[ther],” 1 STUD. IN PSYCHOANALYTIC THEORY 25 (1992)

BOOK REVIEWS

- “The Science of Injustice,” reviewing Adam Benforado's UNFAIR: THE NEW SCIENCE OF CRIMINAL INJUSTICE (2015), in THE CHRISTIAN CENTURY magazine (March 11, 2016)
- Book Review of Cathleen Kaveny, LAW’S VIRTUES: FOSTERING AUTONOMY AND SOLIDARITY IN AMERICAN SOCIETY (2012), 17(1) CATHOLIC EDUCATION: A JOURNAL OF INQUIRY AND PRACTICE 217 (2013)
- Book Review of Carl Cranor, TOXIC TORTS: SCIENCE, LAW, AND THE POSSIBILITY OF JUSTICE (2006), 49 JURIMETRICS 519 (2009)
- “DNA and the Genealogy of Scientific Truth in the Courtroom,” reviewing ARONSON, GENETIC WITNESS (2007), 98 J. CRIM. L. & CRIMINOLOGY 687 (2008)
- Book Review of Arrigo, Milavanovic, & Schehr, THE FRENCH CONNECTION IN CRIMINOLOGY, 10 THEORETICAL CRIMINOLOGY 395 (2006)
- Book Review of Sugarman & Pue, eds., LAWYERS AND VAMPIRES: CULTURAL HISTORIES OF THE LEGAL PROFESSION, 7 LEG. ETHICS 276 (2004)
- Book Review of A. Plotnitsky’s THE KNOWABLE AND THE UNKNOWABLE, 12 METASCIENCE 283 (2003)
- Book Review of P. Fitzpatrick’s MODERNISM AND THE GROUNDS OF LAW, 37 AUST. J. POLI. SCI. 204 (2002)
- Book Review of H. Berman’s FAITH AND ORDER, 16 J. L. REL. 713 (2001)
- Review Essay, “‘Law Does Not Ignore the Bed’ and Other Aphorisms: the Encore of Lacan’s *Encore* in English,” 13 INT’L J. SEMIOTICS OF LAW 243 (2000)
- Book Review of A. Elliott’s THE MOURNING OF JOHN LENNON, 4 J. PSYCHOAN. CULT. & SOC. 344 (1999)
- Book Review of J. Schroeder’s THE VESTAL AND THE FASCES, 20 CARDOZO L. REV. 1695 (1999)
- Book Review of LAW AND THE UNCONSCIOUS: A LEGENDRE READER, ALTERNATIVE LAW JOURNAL, Dec. 1997

Review Essay, "Law's Own Repressed Memory Syndrome," *LAW/TEXT/CULTURE*, Vol. 3 (1997)(review of Peter Goodrich's *OEDIPUS LEX* and *LAW IN THE COURTS OF LOVE*)

Book Review of A. Elliott's *SUBJECT TO OURSELVES*, 31 *AUST. J. POLI. SCI.* 442 (1996)

Book Review of A. Elliott's *PSYCHOANALYTIC THEORY*, 1 *J. PSYCHOAN. CULT. & SOC.* 194 (1996)

Review Essay, "Coming to Terms with Lacan: Legal Discourse as Analysand," 6 *INT'L J. SEMIOTICS OF LAW* 203B20 (1993) (review of D. Milovanovic's *POSTMODERN LAW & DISORDER*)

Review Essay, "Post-postmodern Redemptions of Self, Text and Event," 5 *CARDOZO STUDIES IN LAW AND LITERATURE* 137 (1993)(review of N. Holland's *THE CRITICAL I*, R. Weisberg's *POETHICS*, and *PROBING THE LIMITS OF REPRESENTATION* (ed. S. Friedlander)

Review Essay, "The French Revolution as Phantom of the Opera," 9 *J. L. & REL.* 243 (1991)

Book Review, "Law, Science and Public Opinion," 1986 *AM. BAR FOUND. RES. J.* 161

Booknote, "Major Trends in the History of Legal Philosophy," 18 *HOUS. L. REV.* 391 (1981)

PROFESSIONAL ACTIVITIES

SPEECHES

- Nov. 5, 2016 "Ian McEwan's *The Children's Act*: Boundaries between the personal and professional lives of lawyers and judges," Villanova Law alumni weekend.
- Oct. 14, 2016 "*King Lear*: Who can you trust?," 23rd annual Washington & Lee Law and Literature Seminar, Lexington, VA.
- Nov. 6, 2015 "Boundaries between the personal and professional lives of lawyers and judges," W&L Alumni Weekend
- Sept. 18, 2015 "Remembering Pether on Precedent," *Villanova Law Review* Shachoy Symposium
- Nov. 7, 2014 "The Lawyer as [Ethical] Radical in the Age of Liquid Surveillance." W&L Alumni Weekend
- Nov. 1, 2013 "Bias in the Courtroom: Legal Ethics in *Snow Falling on Cedars*," W&L Alumni Weekend
- Mar. 2, 2013 "Neuroscientific evidence in the criminal trial process," W&L Institute for Honor Symposium
- Jan. 23, 2012 "Expertise in Law and the Fantasy of Science Free from Economics," Chapman University Law School Faculty Workshop
- Oct. 14, 2011 "Ethical Issues for Lawyers in Márquez's *Chronicle of a Death Foretold*," W&L Alumni Weekend
- Mar. 24, 2011 University of Texas Sports Law Journal annual symposium, Austin; paper topic: "Agents' and Attorney-Agents' Ethics"
- Jan.22-31, 2011 Three lectures on "Australian Law, Politics, and Culture," W&L Alumni College Abroad Tour to Australia
- Oct 29, 2010 "Legal Ethics and the Attorneys in Wright's *Native Son*," W & L Alumni Weekend
- Apr 9, 2010 "Science in Law: Reliance, Idealization, and Some Calvinist Insights," Dordt College (Iowa) Conference on Calvinism for the 21st Century
- Jan 15, 2010 "The Crisis in Forensic Science," Retired Professional's Luncheon, Delaware National Country Club
- Oct 16, 2009 "Steinbeck's *The Grapes of Wrath*: Law and legal Ethics in a Great recession," W & L Alumni Weekend
- July 9, 2009 "Arsenic Poisoning Cases in the Early 19th Century," Faculty Colloquium, University of Melbourne Law School

- Oct. 17, 2008 "Moral Urgency in *The Great Gatsby* and in Legal Ethics," W & L Alumni Weekend
- Nov. 2, 2007 "Ethics for Judges and Lawyers in Robert Penn Warren's *All the King's Men*," W & L Alumni Weekend
- Oct. 10, 2007 "Keeping Law Out of the Laboratory," Chemical Heritage Foundation "Heritage Day" Speech
- April 24, 2007 "Science for Litigation: Credibility Issues," Chemical Heritage Foundation Lunch Series
- Oct. 6, 2006 "Legal Ethics in Capote's *In Cold Blood: Lawyers Telling Stories*," W & L Law Alumni Weekend
- Sept. 30, 2005 "Lawyers and Legal Ethics in Rebecca West's *Mr. Setty and Mr. Hume*" W & L Law Alumni weekend
- Oct. 29, 2004 "Corporate and Prosecutorial Ethics in Tom Wolfe's *Bonfire of the Vanities*", W&L Law Alumni Weekend
- May 27/31, 2004 "Rights of Publicity in the U.S.", CLE program, Melbourne and Sydney, Australia
- Apr. 16, 2004 "Civility, Pedagogy, and Prosecutor's Ethics," American University, Washington College of Law
- Oct. 3, 2003 "Prosecutorial Ethics, Victims' Rights, and Miller's *The Crucible*," W&L Law Alumni Weekend
- Jul. 11, 2003 "Postmodernism and Christian Jurisprudence," Rutherford Institute intern training program, Charlottesville, Virginia
- Jul. 9, 2003 "Lawyer Images in Cinema," W&L Summer Scholars Program
- Apr. 17, 2003 "How to Prepare for the Virginia Bar Exam," American University, Washington College of Law, Washington, DC
- Feb. 12, 2003 "Postmodernism and Law," Villanova University Law School faculty colloquium, Philadelphia, Pennsylvania
- Jan. 23, 2003 "Science in the Courtroom," Wayne State University School of Law faculty colloquium, Detroit, Michigan
- Oct. 17, 2002 "Ethics and Scientific Experts," W&L Alumni Chapter, Birmingham, Alabama
- Oct. 14, 2002 "The Takings Clause," American University, Washington College of Law, Washington, DC
- Oct. 11, 2002 "Ibsen's *An Enemy of the People* and the Ethics of Presenting Expert Testimony," W&L Law Alumni weekend
- Oct. 3, 2002 "Deposing Psychologists," Villanova University Law & Psychology Lecture Series, Philadelphia, Pennsylvania
- Sep. 26, 2002 "Virginia Ethics Update," Troutman Sanders CLE Program, Richmond, Virginia
- Jul. 2, 2002 "Christianity, Law, and Politics," Rutherford Institute intern training program, Charlottesville, Virginia
- May 24, 2002 "Lacan's Position in the Science Wars," Deakin University (dept. of sociology), Melbourne, Australia
- May 3, 2002 "Images of Legal Ethics in the Movies," W&L Alumni Reunion continuing legal education seminar
- Apr. 24-30, 2002 Four lectures on "The Italian Renaissance: Revolutions in Art, Music, Law, and Science," W&L Alumni College Abroad Tour to Tuscany
- Mar. 1, 2002 "Scientific Narratives in Law: Contours of a Law, Literature, and Science Movement," American University Symposium on Law and Literature, Washington, D.C.
- Nov. 9, 2001 "Film as Tract, Novel as Sermon, and Faulkner as Polemicist," W&L Law Alumni Weekend

- Jul. 16, 2001 “Political Songs in English, 1770-1970,” W&L Alumni College program entitled “Old Monarchies and New Democracies”
- Jun. 5, 2002 “Christian Jurisprudence,” Blackstone Fellowship Summer Institute, Winter Park, Colorado
- May 4, 2001 “Science in the 21st Century: Who’s in Charge?,” W&L Alumni Reunion seminar
- May 1, 2001 “How Courts Ignore the Social Aspects of Science,” Federal Judicial Center, Washington, D.C.
- Apr. 1-9, 2001 Three lectures on southern music: “The Delta Blues,” “Civil War Folk Music,” and “Country Music,” W&L Alumni College Mississippi Cruise
- Oct. 13, 2000 “Legal Ethics in Shakespeare’s *MERCHANT OF VENICE*,” W&L Law Alumni Weekend
- Jul. 9-14, 2000 LECTURER, W&L Alumni College, “Great Trials of the 20th Century”
- Apr. 3, 2000 “Philosophy of Science in the Law of Expert Testimony,” Frances Lewis Law Center Symposium: “At the *Daubert* Gate”
- Oct. 22, 1999 “Legal Ethics in Shakespeare’s *MEASURE FOR MEASURE*,” W&L Law Alumni Weekend
- Oct. 30, 1998 “Crime Fiction: Popular Images of Lawyering,” W&L Law Alumni Weekend
- Oct. 8, 1998 “Law and Science: Competing Narratives,” SIU Law School Symposium
- Oct. 24, 1997 “Law and Legal Institutions in Forster and Woolf,” W&L Law Alumni Weekend
- Sep. 19, 1997 “Performance as Interpretation: *THE MERCHANT OF VENICE* in Three Centuries,” W&L Law and Literature conference
- Aug. 15, 1997 “Lacan, Law, Women, & Sports: the *Cohen* decision,” Deakin University (dept. of law), Melbourne, Australia
- Oct. 18, 1996 “O=Connor, Welty, and the Law & Literature Enterprise,” W & L Law Alumni Weekend
- Jul. 17, 1996 “Lacan and the Revival of Psychoanalytic Jurisprudence,” Parsons Fellow address, University of Sydney, Australia
- Oct. 14, 1995 “Madness and Alienation in Conrad’s Novels,” W & L Law Alumni Weekend
- Apr. 18, 1995 “Lacan’s clinic and social theory,” 3rd Australia Lacan Symposium, Melbourne, Australia
- Feb. 18, 1995 “Lacan and the pluralism debate in law and religion,” Cumberland Law School Colloquium on Law and Religion, Birmingham, AL
- Nov. 5, 1994 “Psychology, *Antigone*, and Legal Ethics,” W & L Law Alumni Weekend
- Jun. 26-30, 1994 LECTURER, W & L Alumni College, “Shakespeare and Law”
- Sep. 16, 1993 “Psychoanalysis and Melville’s *Billy Budd*,” W & L Law Alumni Weekend
- Jun. 20-27, 1993 LECTURER, W & L Alumni College, “The Brain”
- Nov. 6, 1992 18th Annual Legal Ethics Institute (W&L) Lecture, “Sympathy for the Devil: The Crime-Fraud Exception to Client Confidentiality”
- Jun /Jul, 1992 LECTURER, W & L Alumni College, “Conversations on America”; “Russia”
- Jul. 8-14, 1991 LECTURER, W & L Alumni College, “Five Great Ideas”

PAPERS PRESENTED AT PROFESSIONAL MEETINGS

- May 27, 2016 Studies in Expertise and Experience workshop (SEESHOP X) at Cardiff University in Wales, paper topic: "The Admissibility of Sleep Talk Evidence"
- May 8, 2015 Studies in Expertise and Experience (S.E.E.shop IX), Cardiff: paper topic: "S.E.E. and Law: The Uses and Evaluation of Attorney Expertise in U.S. Lawyer-Malpractice Cases"
- July 12, 2015 International Academy of Law and Mental Health biennial conference, Vienna; paper topic: "The State of Psychoanalytic Jurisprudence in the U.S. in the 21st Century"
- Mar. 7, 2014 Law As...III: Legal History Symposium, U.C.-Irvine; paper topic: "Law, Science, and the Economy: One Domain?"
- Jan. 7, 2012 AALS Annual Meeting, Washington D.C., Sections on Law and Interpretation and Legal Writing, Reasoning and Research; paper topic: "Outsider Discourses in Law"
- Apr. 6, 2011 PA.BAR INST. Annual Environmental Forum, Harrisburg; paper topic: "Theory of Science and Regulation"
- Mar. 12, 2011 Law, Culture & Humanities Annual Conference, Las Vegas; paper topic: "Images of Prosecutors' and Defense Counsels' Ethics in Wright's *Native Son*"
- Aug 28, 2010 Society for the Sociological Study of Science Annual Conference, Tokyo; paper topic: "Lawyers as Scientific Gatekeepers"
- Mar 19, 2010 Law, Culture & Humanities Annual Conference, Providence, R.I.; paper topic: "Recession Law and Literature: Vision of Law in *The Grapes of Wrath*"
- Nov. 12, 2009 Seton Hall Law School Conference on Religious Legal Theory, Newark; paper topic: "On Skeel's Rhetorical Invention of a Failed Project"
- Oct. 29, 2009 Society for the Sociological Study of Science Annual Conference, Washington D.C.; paper topic: "Synthetic Science: A Response to Rabinow's Synthetic Biology Collaboratory"
- Oct. 9, 2009 Miller-Becker Institute for Professional Responsibility Inaugural Symposium, University of Akron; paper topic: "Sports Agents and Agent-Attorneys Crossing Jurisdictional and Professional Boundaries"
- Aug. 7, 2009 SEALS Annual Conference, West Palm Beach, FL; paper topic: "Teaching Practice Skills in the Property Course"
- April 9, 2009 American Philosophical Association (Pacific Division) Annual Conference, Vancouver; paper topic: "Author Meets Critics—A Lawyer's Response to Cranor's *Toxic Torts* (2006)"
- April 3, 2009 Law, Culture & Humanities Annual Conference, Boston; paper topic: "Uncertainty in Food Regulation"
- Aug. 23, 2008 Society for the Sociological Study of Science Annual Conference, Rotterdam; paper topic: "Strategic Idealizations of Science to Oppose Environmental Regulation"
- Oct. 13, 2007 Society for the Sociological Study of Science Annual Conference, Montreal; paper topic: "Scientific Experts in Cinema"
- March 24, 2007 in Law, Culture & Humanities Annual Conference, Washington DC; paper topic: "The Images of Expertise Trial Movies"
- Nov. 6, 2006 Society for the Sociological Study of Science Annual Conference, Vancouver; paper topic: "Manufacturing Uncertainty: Mass. v. EPA"
- Nov. 13, 2005 Society for Literature, Science, and the Arts Annual Meeting, Chicago; paper topic: "Lacan's Views on Science and American Law"
- Oct. 21, 2005 Society for the Sociological Study of Science Annual Conference, Pasadena; paper topic: "Rhetoric and the Idealization of Science in Law"

- Aug. 2, 2004 SEALS Annual Conference, Kiawah Island, S.C.; paper topic: "Interdisciplinary Scholarship: Opportunities and Dangers"
- Mar. 13, 2004 Law, Culture, & Humanities Annual Conference, Hartford, Conn.; paper topic: "Science Fiction, Law, and the History of Science"
- Jan. 16, 2004 Bremen University Lacan Conference, Germany; paper topic: "Lacan and Science: Receding Imaginary, New Real"
- Aug. 8, 2003 American Psychological Association annual conference, Toronto, Ontario; paper topic: "Lacan and Ethics"
- Jul. 23, 2003 SEALS annual conference, Jacksonville, Florida; paper topic: "What Judges Need to Know About Science"
- Jul. 17, 2003 Assoc. of Legal Writing Directors semi-annual conference, Windsor, Ontario; Closing Plenary: "Leadership"
- Jun. 8, 2003 Law & Society Association Annual Conference, Pittsburgh, Pennsylvania; paper topic: "Cognitive Science and Law: A Response to Steven Winters' *A Clearing in the Forest*"
- May 2, 2003 W&L Reunion CLE conference; paper topic: "Ethical Rules after Enron"
- Apr. 11, 2003 University of Idaho Law Review annual professional responsibility conference, Boise; paper topic: "The Ethics of Presenting Scientific Testimony"
- Apr. 4, 2003 Virginia Capital Clearinghouse annual conference, W&L; paper topic: "Defense Contact with Victims, Survivors, and Witnesses"
- Jan. 31, 2003 Mid-Atlantic People of Color annual conference, W&L; paper topic: "Race Science, History, and Law"
- Jan. 3, 2003 AALS annual meeting, Washington, DC; paper topic: "The Ethics of Representing Professional Athletes" (joint panel of sports law and prof. resp. sections)
- Nov. 3, 2002 Society for the Social Study of Science annual meeting, Milwaukee, Wisconsin; paper topic: "Deposing Expert Witnesses"
- Aug. 24, 2002 Australian National University (Canberra) Conference on Law and Expertise; paper topic: "Ethics in Law/Science Relations"
- Mar. 10, 2002 Cardozo School of Law Symposium on Lacan and Crime, New York; paper topic: "Lacan and the Discourse of Science in Law"
- Mar 8, 2002 Law, Culture, and Humanities Association annual conference, Philadelphia, Pennsylvania; paper topic: "Idealizations of the Scientific Enterprise in Legal Discourse: Eclipsing the Role of Culture in Knowledge Production"
- Feb. 23, 2002 Religiously Affiliated Law Schools annual conference, Pepperdine University School of Law (Malibu, CA); paper topic: "Calvinism's contribution to scholarship and teaching"
- Nov. 3, 2001 Society for the Sociological Study of Science annual meeting, Cambridge, MA; paper topic: "The absence of sociology from law/science jurisprudence"
- Mar. 30, 2001 Virginian Capital Case Clearinghouse annual conference, W&L Law School; paper topic: "Ethics in Pre-trial Investigation and Post-verdict Interviews with Jurors"
- Feb. 23, 2001 Center for Ethics & Values in the Sciences, Birmingham, AL, conference on value-free science; paper topic: "Expert Scientific Testimony in Courts: The Ideal and Illusion of Value-Free Science"
- Jun. 27, 2000 Notre Dame Law School Colloquium on Legal Discourse; paper topic: "Representing Jurisprudence"

- Jun. 10, 2000 Defense Trial Counsel of W.Va. Annual meeting; paper topic: "Recent Developments in Legal Ethics"
- Sep. 17, 1999 Critical Legal Conference (University of London); paper topic: "Law and Science"
- Apr. 24, 1999 Lacanian Work in Progress Symposium (Chicago); paper topic: "Law in the Symbolic"
- Jan. 9, 1999 AALS Annual Conference, Section on Sports Law (New Orleans); paper topic: "Skills Training in Sports Law"
- Apr. 27, 1998 Law & Music Workshop (New School for Social Research, New York); paper topic: "Fabricating Authenticity in Law and Music"
- Nov. 7, 1997 Assoc. for Psychoanalysis of Culture and Society annual conference (Wash. DC); paper topic: "Legendre's Psychoanalytic Jurisprudence"
- Jun. 29, 1997 Lacan and Cultural Studies Symposium (U.Mo.-Columbia); paper topic: "Legendre=s jurisprudence as Cultural Studies"
- May 31, 1997 Law & Society Association Annual Conference (St. Louis); paper topic: "Lacan and the Subject of Law: Reply to my Critics"
- Nov. 15, 1996 Radical Philosophy Association conference (Purdue); paper topic: "Radical Philosophy of Law"
- Jul. 20, 1996 Australian Assoc. for Law and Literature annual meeting (Darwin); Keynote Address: "Law and Literature Today"
- Oct. 28, 1995 Society for the Scientific Study of Religion annual meeting (St. Louis); paper topic: "Religious Pluralism in Pacific Rim Nations"
- Oct. 2, 1995 Institute for Law & Humanities fall conference (Berkeley); paper topic: "Law and Literature Scholarship: A Synthesis"
- Sep. 12, 1995 Critical Legal Conference (Oxford); paper topic: "Lacanian Ethics"
- Jul. 12, 1994 8th Rencontre Internationale du Champ Freudien (Paris); paper topic: "Lacan, Law, and Religion"
- Apr. 15, 1994 Am. Psych. Assoc. Div. 39 spring meeting (Washington D.C.); paper topic: "Lacan and Legal Ideology"
- Nov. 29, 1991 NFF Conference on History and Hysteria (U.Mo. - Columbia); paper topic: "Social Hysteria in Law"
- Oct. 21, 1990 Midwest Radical Scholars & Activists Conference (Chicago); paper topic: "The Freudian Critique of Ideology in Critical Legal Studies"
- Mar. 25, 1988 Southwestern Social Science Association annual meeting (Houston); paper topic: "Freud & Critical Legal Studies"

BAR ACTIVITIES

- Jul. '93-June '05 MEMBER, Virginia Bar Foundation Continuing Legal Educ. Committee
- Jan. '92-July '14 LECTURER in Virginia Legal Ethics, Richmond Bar Review Course (1992-2007), BAR-BRI (2007-2014)
- 1992, 1995 Participant, Virginia State Bar Conclave on Legal Education

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- State Bar of California (inactive)
- State Bar of Texas (1981-2014, voluntary resignation)
- Society for the Sociological Study of Science