

JAMES R. MAXEINER

Associate Professor of Law
University of Baltimore School of Law
Associate Director, Center for International and Comparative Law
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EDUCATION

University of Munich

Doctorate in Law (Dr. jur. = Ph. D. in law), *magna cum laude*.

Doctoral thesis: *Policy & Methods in German & American Antitrust Law* (in German and in English). Academic Advisor Prof. Dr. Wolfgang Fikentscher, see biography in 1 DEUTSCHSPRACHIGE ZIVILRECHTSLEHRER DES 20. JAHRHUNDERTS IN BERICHTEN IHRER SCHÜLER 221-238 (2007).

Georgetown University Law Center

LL.M. (comparative law)

Professors included Prof. Dr. Eberhard Günther, drafter of the German Antitrust Law and first President of the Federal Cartel Authority, 1958-1976.

Cornell Law School

J.D. with Specialization in International Legal Affairs, *cum laude*

Professors included legendary comparativist Rudolf B. Schlesinger, leading comparativist George Fletcher, and leading international business transactions professor, John Barceló.

Carleton College

B.A. (History) *cum laude*

ACADEMIC CAREER HISTORY

University of Baltimore School of Law

Associate Professor, 2004-present (tenure 2007) (contracts, comparative law, European Union law, international business transactions and sales law)

Stetson University College of Law

Visiting Professor of Law, Fall 2010 (international business transactions and int'l litigation)

University of Missouri—KC School of Law

Visiting Professor of Law, 2003-2004 (contracts, payment systems, sales law)

Rutgers School of Law—Newark

Adjunct Professor of Law, Spring 1999 to Spring 2003 (international business transactions and comparative law)

The Catholic University of America Columbus School of Law

Visiting Professor of Law, Spring 2003 (commercial law)

Rutgers School of Law—Camden

Visiting Professor of Law, Fall 2002 (international business transactions and commercial law)

Touro Law Center

Visiting Professor of Law, Spring 2002 (sales law and business associations)

Brooklyn Law School

Adjunct Professor of Law, Fall 1997 to Spring 2001 (public international law)

Seton Hall School of Law—Camden

Adjunct Professor of Law, Spring 1996 (public international law)

Other teaching is listed under presentations below

PROFESSIONAL CAREER HISTORY

Dun & Bradstreet, Inc., Murray Hill NJ

Vice President & Associate General Counsel, 1992-2001

Principal counsel for government affairs domestic and international. Represented world's \$1.5 billion leading business information company in international privacy relations with EU, at WIPO in database protection, and in electronic contracting at ALI/UCC. Advised on financial industry regulatory compliance issues

Kaye Scholer Fierman Hayes & Handler, New York NY

Senior International Litigation Associate at a world leading law firm, 1988-1991.

Walter Conston *et al.* New York NY (now New York City office of **Alston & Bird, LL.P.**)

International Litigation Associate, 1982-1988.

Max Planck Institute for Intellectual Property and Competition Law, Munich Germany

Max Rheinstein Fellow, Alexander von Humboldt Foundation 1980-1982.

United States Department of Justice, Antitrust Division, Washington DC

Trial Attorney (Honors Program), Evaluation Section 1977-1980.

LAW REFORM**American Law Institute**

Elected Member since 1997.

Participant in the following projects:

- UCC [New] Article 2B: Software Contracts and License of Information [became UCITA]
- Transnational Civil Procedure
- The Law of Consumer Contracts
- Government Ethics
- Recognition and Enforcement of Foreign
- The U.S. Law of International Commercial Arbitration

- The Foreign Relations Law of the United States
- Information Privacy Principles
- Software Contracts
- World Trade Law

Common Good Institute, <http://www.commongood.org>

Since 2012 I have been regularly advising the law reform organization, Common Good Institute, on issues of foreign and comparative law. My work for it has included, *inter alia*:

- Participation in its programs as panelist or academic support, including a panel with Justice Kennedy.
- Academic support for its position papers and other publications, including for its President, Philip K. Howard's newest book, *Rule of Nobody: Saving America from Dead Laws and Broken Government* (Norton 2014). Mr. Howard credited my contribution second in his acknowledgments section, between professors from Yale and Columbia: "This project benefited from the generous support and feedback of a number of scholars. Comparative law expert James Maxeiner opened the door to a treasure trove of information about foreign law, and was also a close reader of numerous drafts."
- Two contributions to its series in the Atlantic, *America the Fixable*, <http://www.theatlantic.com/special-report/america-fixable>, "What Germany Can Teach the U.S.: Rewrite Old Laws," and "What America Can Learn From Germany's Justice System." Contributors to the series included U.S. senators and representatives and other leaders of national opinion.

Other public law reform activities include:

- Other addresses to law reform groups (listed below under presentations);
- Letters to the Editor, including the *New York Times* (not listed),
- Op Ed pieces for the Baltimore Sun, including:
 - "The Bavarian case for registering guns," April 28, 2013;
 - "The fixable flaws of America's civil Justice system," June 24, 2013; and
- Guest blogger for the CATO Institute's Blog, *Overlawyered*, June 2012.

ACADEMIC HONORS

International Academy of Comparative Law

Associate Member since 2012

American Law Institute

Member since 1997

Max Planck Institute for Comparative and International Private Law, Hamburg

Alexander von Humboldt Foundation Fellow, Spring 2011

Max Planck Society Fellow, Winter 2011

Alexander von Humboldt Foundation Fellow, Summer 2009

Max Planck Institute for Foreign and International Criminal Law, Freiburg

Alexander von Humboldt Foundation Fellow, Spring 2007

University of Warsaw

European American Consortium Legal Education Fellow, May 2006

German Academic Exchange Service (DAAD)

Germany Today Senior Scholar Fellow, June 2004

Max Planck Institute for Innovation and Competition Law, Munich (current name)

Alexander von Humboldt Foundation Fellow, Summer 2004

Kansai University Faculty of Law, Osaka Japan

Visiting Scholar, Summer 2003.

Max Planck Institute for Innovation and Competition Law, Munich (current name)

Max Rheinstein Fellow, Alexander von Humboldt Foundation Fellow, 1980-1982

Cornell Law School

Judge Henry White Edgerton International Law Essay Competition

Cornell Law Review 1976-1977

Cornell International Law Journal 1975-1977

PRINCIPAL PUBLICATIONS

BOOK SERIES CO-EDITOR

IUS GENTIUM: COMPARATIVE PERSPECTIVES ON LAW AND JUSTICE (with M.N.S. Sellers)

Springer Science + Business Media, <http://www.springer.com/series/7888>

With my Baltimore colleague Professor Sellers, I edit *Ius Gentium: Comparative Perspectives on Law and Justice*. Springer is the one of the world's largest academic publishers. My series consists of high quality monographs and collections of papers from leading international conferences, including from the American Bar Association, the International Academy of Comparative Law, and the International Association of Procedural Law.

No.	Titles of Books in the <i>Ius Gentium</i> Series	Year
	I have personally contributed to volumes marked with a red asterisk (*)	
39	Developments in Foundation Law in Europe	2015
38	The Legal Doctrines of the Rule of Law and the Legal State (<i>Rechtsstaat</i>) (*)	2014
37	Global Perspectives on Subsidiarity	2014
36	The Church of England: Charity Law and Human Rights	2014
35	Human Rights and Human Nature	2014
34	Goals of Civil Justice and Civil Procedure in Contemporary Judicial Systems	2014
33	Precedent in the United States Supreme Court	2014
32	The Scope and Structure of Civil Codes (*)	2014
31	Civil Litigation in China and Europe Essays on the Role of the Judge and the Parties	2014

No.	Titles of Books in the Ius Gentium Series	Year
	I have personally contributed to volumes marked with a red asterisk (*)	
30	Human Rights and Civil Liberties in the 21st Century	2014
29	African Legal Theory and Contemporary Problems Critical Essays	2014
28	Federalism and Legal Unification A Comparative Empirical Investigation of Twenty Systems (*)	2014
27	Fair Trial and Judicial Independence: Hungarian Perspectives	2014
26	The Politics of Systematization in EU Product Safety Regulation: Market, State, Collectivity, and Integration	2013
25	Human Law and Computer Law: Comparative Perspectives	2013
24	Gender and Sexuality in Latin America - Cases and Decisions	2013
23	Aristotle and The Philosophy of Law: Theory, Practice and Justice	2013
22	The Threads of Natural Law: Unraveling a Philosophical Tradition	2013
21	Climate Change and the Law	2013
20	Exclusionary Rules in Comparative Law	2013
19	The Inherent Right of Self-Defense in International Law	2013
18	Law, Liberty, and the Rule of Law	2013
17	Dialogues on Human Rights and Legal Pluralism	2013
16	The Universalism of Human Rights	2013
15	Electronic Technology and Civil Procedure New Paths to Justice from Around the World	2012
14	Post 9/11 and the State of Permanent Legal Emergency Security and Human Rights in Countering Terrorism	2012
13	Globalization and Human Rights Challenges and Answers from a European Perspective	2012
12	A Comparative Look at Regulation of Corporate Tax Avoidance	2012
11	Cost and Fee Allocation in Civil Procedure A Comparative Study (*)	2012
10	The Three Paths of Justice Court Proceedings, Arbitration, and Mediation in England (*)	2012
9	Corporate Criminal Liability Emergence, Convergence, and Risk	2011
8	The EU Charter of Fundamental Rights From Declaration to Binding Instrument	2011
7	Confronting Genocide	2011
6	Young People's Human Rights and the Politics of Voting Age	2011
5	Judicial Review of Legislation A Comparative Study of the United Kingdom, the Netherlands and South Africa	2010
4	Commercial Law of the European Union	2010
3	The Rule of Law in Comparative Perspective (*)	2010
2	The Internationalization of Law and Legal Education (*)	2008
1	Autonomy in the Law (*)	2007

LAW JOURNAL BOARD OF EDITORS

BRITISH JOURNAL OF AMERICAN LEGAL STUDIES, since 2012 <http://www.bcu.ac.uk/elss/school-of-law/research/centre-for-american-studies/british-journal-american-legal-studies>

NEWSLETTER EDITOR AND AUTHOR

NEWSLETTER OF THE AMERICAN FOREIGN LAW ASSOCIATION, 1989-1999.

Editor and publisher, wrote summaries of the monthly lectures on foreign law and occasional commentaries.

BOOKS (my authorship or editorship and authorship)

1. FAILURES OF AMERICAN CIVIL JUSTICE IN INTERNATIONAL PERSPECTIVE (author with expertise assistance from Professor Gyoocho Lee of Seoul and Judge Armin Weber of Munich) (Cambridge University Press, 2011; paperback 2013) <http://amzn.com/1107009936>

Germany's most prestigious law journal, *Juristenzeitung*, published a glowing review by Professor Maultzsch in its August 2012 issue: "In its breadth and depth ... the book reviewed here sets the standard and is in a position to enrich greatly the international discussion." "[The book] is a fundamental and innovative work, which the comparative law discussion enduringly enriches and from whose teachings every reader will receive a great profit." [My translation.]

One of the most prestigious Europe-wide journals, *Zeitschrift für europäisches Privatrecht*, published an enthusiastic review by Professor Larry A. DiMatteo (University of Florida) in its 2013/1 issue: "This book should be required reading in law schools."

The most prestigious comparative law journal in Germany, and perhaps in the world, *Rebels Zeitschrift für ausländisches und internationales Privatrecht* published in its April 2014 issue a terrific review by Professor Gerhard Dannemann: "The book is thoroughly researched, well-supported historically and sociologically, at about 300 pages is limited to the essentials, clearly structured, engaging and focused, so that it is both interesting for experts and readable by laymen. It leaves little room for criticism." [My translation.]

Neil Andrews, Professor of Civil Justice and Private Law, Cambridge University: "It places Professor Maxeiner in the top echelon of American commentators on civil procedure and it establishes his position within the international community of comparative scholars."

John Reitz, immediate past president of the American Society of Comparative Law, Edward L. Carmody Professor University of Iowa, says of this book and other work, "Professor Maxeiner has produced an exceptional body of scholarship that expands knowledge and challenges us to be better."

John H. Langbein, Sterling Professor of Law and Legal History, Yale Law School: "It is an informed and original work, a book that future scholars will have to consult and engage with."

Ralf Michaels, Arthur Larson Professor of Law, Duke Law School: "his work is among the best in comparative civil procedure in the US. that I know of."

Walter Olson, Senior Fellow, Cato Institute: "It's a fantastic work that lays out in clear, calm language a nonspecialist can appreciate how the experience of going to court in the United States differs from that in other advanced countries -- specifically, Germany and South Korea." <http://amzn.com/1107009936>

Richard Marcus, Distinguished Professor of Law, Horace O. Coil ('57) Chair in Litigation, Associate Reporter to the Advisory Committee on Civil Rules of the Judicial Conference of the U.S. Citing the book Professor Marcus writes, Maxeiner is a "prominent and important example" of critics of the Federal Rules of Civil Procedure.

Colin Picker, Associate Professor, University of New South Wales, Yale law graduate, former Clerk to Judge Cabranes, and co-author of one of America's leading comparative law texts: "[T]his book will prove to be one of the most significant recent contributions to the field of comparative civil procedure."

Antonio Gidi, Associate Reporter, American Law Institute's *Principles of Transnational Procedure*, co-author of *Schlesinger on Comparative Law* (7th ed.): "I regard [Professor Maxeiner] as one of the foremost authorities in the world on comparative civil procedure. ... This book is one of those path-breaking publications that can change the way we see law."

2. EDUCATING LAWYERS NOW AND THEN: AN ESSAY COMPARING THE 2007 AND 1914 CARNEGIE FOUNDATION REPORTS ON LEGAL EDUCATION AND A REPRINT OF THE 1914 REPORT THE COMMON LAW AND THE CASE METHOD IN AMERICAN UNIVERSITY LAW SCHOOLS BY JOSEF REDLICH (2007).
3. ADVERTISING LAW IN EUROPE AND NORTH AMERICA (Co-editor) (2nd ed. 1999, 1st ed. 1992).
4. POLICY AND METHODS IN GERMAN AND AMERICAN ANTITRUST LAW: A COMPARATIVE STUDY (1986).

Mirjan Damaška (Yale), comment: “[p]erceptive[.]” in EVIDENCE LAW ADRIFT 101 n. 55 (1998).

Rudolf B. Schlesinger (Cornell), comment: “Fascinating” in SCHLESINGER, *ET AL.*, TEXT, MATERIALS ON COMPARATIVE LAW 12 n.38 (6th ed. 1998).

Barry Hawk (Fordham), review in 82 AM. J. INT’L L. 208 (“Perceptive and provocative”).

David Gerber (Chicago-Kent), review in 36 AM. J. COMP. L. 567 (“Very valuable”).

W. David Braun (Gardner, Carton & Douglas, Chicago), review, in 10 FORDHAM J. INT’L L. 359 (“thoughtful contribution ... provides valuable insights”).

5. RECHTSPOLITIK UND METHODEN IM DEUTSCHEN UND AMERIKANISCHEN KARTELLRECHT (Munich: 1986) 193 pp. (German version of 4 and my doctoral dissertation.)

Wolfgang Fikentscher, university review for granting of Dr. jur. and grading work *magna cum laude mit Tendenz zum summa*: “Broadly conceived and finely carried out”.

Gabriella von Wallenberg, in WIRTSCHAFT UND WETTBEWERB 1987, 130 (“An important contribution”).

ARTICLES AND BOOK CHAPTERS (most available at <http://ssrn.com/author=825054>)

1. *The Federal Rules at 75: dispute resolution, private enforcement or decisions according to law? forthcoming in* 30 GEORGIA ST. L.J. (2014).
2. *Building a Government of Laws: Adams and Jefferson 1776-1779*, in LEGAL DOCTRINES OF THE RULE OF LAW AND OF THE LEGAL STATE (James Hickey & James Silkenat, eds., Ius Gentium vol. 38, 2014).
3. *Scalia & Garner’s Reading Law: A Civil Law for the Age of Statutes?*, 6 J. CIVIL L. STUDIES 1 (2013).
4. *The Cost of No Codes*, 31 MISSISSIPPI COLLEGE LAW REVIEW 363 (2013), also in THE SCOPE AND STRUCTURE OF CIVIL CODES (J. César Rivera, ed., Ius Gentium vol. 32, 2014).
5. *Thinking Like a Lawyer Abroad: Putting Justice into Legal Reasoning*, 11 WASHINGTON U. GLOBAL STUDIES L. REV. 55 (2012).
6. *United States Federalism: Harmony without Unity*, in FEDERALISM AND LEGAL UNIFICATION: A COMPARATIVE EMPIRICAL INVESTIGATION OF TWENTY SYSTEMS (D. Halberstam & M. Reimann, eds., Ius Gentium vol. 28, 2013), also published privately, Paris: International Academy of Comparative Law (2012).
7. *Law—Made in Germany: Global Standort or Global Standard?*, in DEUTSCHE BERATUNG BEI RECHTS- UND JUSTIZREFORMEN IM AUSLAND--20 JAHRE DEUTSCHE STIFTUNG FÜR INTERNATIONALE RECHTLICHE ZUSAMMENARBEIT – IRZ, 23 (S. Hülshörster & D. Mirow, eds., 2012), available at <http://ssrn.com/abstract=2135684>

8. *A Right to Legal Aid: The ABA Model Access Act in International Perspective*, 13 LOYOLA J. PUB. INTEREST L. 61 (2011).
9. *The American Rule: Assuring the Lion His Share*, in COST AND FEE ALLOCATION IN CIVIL PROCEDURE: A COMPARATIVE STUDY 287 (M. Reimann, ed., Ius Gentium vol. 11, 2011).
 “Two noteworthy Chapters are the Australian and US Chapters. ... Maxeiner's US chapter presents an interesting counterpoint to the rest of the book. Punctuated with charming illustrations the chapter gives an interesting historical overview of costs in the US as well as explaining some of the consequences of being the only jurisdiction that does not shift costs from the loser to the winner. 32 U. Tas. L. Rev. 370 (2013).
10. *It's the Law – Applying the Law is the Missing Measure of Civil Law/Common Law Convergence*, 49 SUP. CT. L. REV. 471 (2010), also in COMMON LAW AND CIVIL LAW AND THE FUTURE OF CATEGORIES (Janet Walker & Oscar G. Chase, eds., 2010).
11. *Pleading and Access to Civil Procedure: Historical and Comparative Reflections on Iqbal, a Day in Court and a Decision According to Law*, 114 PENN STATE L. REV. 1257 (2010).
12. *Cost and Fee Allocation in Civil Procedure*, 58 AM. J. COMP. L. SUPP. 195 (2010).
13. *Imagining Judges that Apply Law: How They Might Do It*, 114 PENN STATE L. REV. 469 (2009).
14. *Learning from Others: Sustaining the Internationalization and Globalization of U.S. Law School Curriculums*, 32 FORDHAM J. INT'L L. 32 (2008), reprinted in 33 CHUNG-ANG JOURNAL OF LEGAL STUDIES [Korea] 393 (2009).
15. *Some Realism about Legal Certainty in the Globalization of the Rule of Law*. 31 HOUSTON J. INT'L L. 27 (2008) also in THE RULE OF LAW IN COMPARATIVE PERSPECTIVE (IUS GENTIUM: COMPARATIVE PERSPECTIVES ON LAW AND JUSTICE) (Mortimer Sellers & Tadeusz Tomaszewski, eds., Ius Gentium vol. 3, 2010).
16. *Integrating Practical Training and Professional Legal Education*, in THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION, (Jan Klabbers & Mortimer Sellers, eds., Ius Gentium, vol. 2, 2009).
17. *Policy and Methods: Choices for Legislatures in Politics of Law and Legal Policy: Between Modern and Post-Modern Jurisprudence* (Tadeusz Biernat & Marek Zirk-Sadowski, eds., 2008).
18. *Educating Lawyers Now and Then: Two Carnegie Critiques of the Common Law and the Case Method*, 35 INT'L J. LEGAL INFO. 1 (2007), also in book of the same name above.
19. *Legal Certainty and Legal Methods: A European Alternative to American Legal Indeterminacy?*, 15 TULANE J. INT'L & COMP. L. 541 (2007).
20. *Legal Indeterminacy Made in America: American Legal Methods and the Rule of Law*, 41 VALPARAISO U.L. REV. 517 (2006).
 Comment on above two articles on legal certainty and legal indeterminacy for tenure review: John H. Langbein, Sterling Professor of Law and Legal History, Yale Law School: “Maxeiner is in my view an important (and as the refugee generation has died out, an ever more central) figure in comparative law. ... Maxeiner is now virtually unique among American scholars in the depth of his command of modern German civil justice. Because he writes exceptionally well, he has been an ideal expositor of foreign law—the papers you have sent me, like all his work, are notably lucid and jargon-free. I regard Maxeiner as a great ornament to comparative law in the United States, and these latest papers underscore his achievement.”
21. *When are Agreements Enforceable? Giving Consideration to Professor Barnett's Consent Theory of Contract*, 12 IUS GENTIUM (First Series) 97 (2006).

22. *The Rule of Law in the Reform of Legal Education: Teaching the Legal Mind in Japanese Law Schools*, 25 KANSAI UNIV. REV. L. & POLITICS 63 (2004).
23. *The New Japanese Law Schools* (with Keiichi Yamanaka), 13 PACIFIC RIM LAW AND POLICY JOURNAL 303 (2004).
24. *Different Roads to the Rule of Law: Their Importance for Law Reform in Taiwan* (in English and in Chinese), TUNG HAI UNIV. L. REV. No. 19, 159 (December 2003).
25. *Standard Terms Contracting in the Global Electronic Age: European Alternatives*, 28 YALE J. INT'L L. 109 (2003).

“The best analysis of the Directive and discussion of its applications in the European Union ...” Clayton P. Gillette (New York University), 42 HOUS. L. REV. 975, 985 n. 52.; “For anyone thinking seriously about alternative approaches to unfair contract terms, Maxeiner's article is highly recommended.” Robert L. Oakley (Georgetown), 42 HOUSTON L. REV. 1041, 1067 n. 145. “[E]xcellent comparison of the different regimes in the U.S., Germany, and the E.U.” Frank G. Snyder (Texas Wesleyan, now American University), AALS Contracts Blog, March 3, 2006 http://lawprofessors.typepad.com/contractsprof_blog/.
26. *Liability Issues in Operating Sites that Feature Third Party Content*, in PRACTISING LAW INSTITUTE, UNDERSTANDING ELECTRONIC CONTRACTING: THE IMPACT OF REGULATION, NEW LAWS & NEW AGREEMENTS, PLI, New York, NY, April 29, 2003.
27. *American Law Schools as a Model for Japanese Legal Education?*, 24 KANSAI UNIV. REV. L. & POLITICS 37 (2003), in *Japanese*, 52 HOGAKU RONSHU—THE LAW REVIEW OF KANSAI UNIVERSITY 250 (2002), in *Chinese*, 3 LEGAL EDUCATION RESEARCH (Law Press, China) 231 (2010).
28. *The New Commercial Law and Public Information Policy: The Libraries and UCITA*, outline in PRACTISING LAW INSTITUTE, UNDERSTANDING ELECTRONIC CONTRACTING (2001) and reprinted in 2 INTERNET LAW & BUSINESS 783 (2001).
29. *Field, David Dudley, Jr.* [biography] in 7 AMERICAN NATIONAL BIOGRAPHY 878; *Legaré, Hugh Swinton* [biography] in 13 *id.* 427 (New York: Oxford University Press, 1999).
30. *U.S. “methods awareness” for German Jurists*, in FESTSCHRIFT FÜR WOLFGANG FIKENTSCHER 114 (Bernhard Großfeld *et al.*, eds., 1998).
31. *International Legal Careers: Paths and Directions*, 25 SYRACUSE J. INT'L L. & COM. 21 (1998).
32. *Why are U.S. Lawyers not Learning from Comparative Law?* (with Ernst C. Stiefel), in THE INTERNATIONAL PRACTICE OF LAW 213 (Nedim Vogt *et al.* eds., 1997).
33. *Advertising Law in the United States* (in German) (with Thiedmann), in SCHOTTHÖFER, HANDBUCH DES WERBERECHTS IN DEN EU-STAAATEN EINSCHLIEßLICH NORWEGEN, SCHWEIZ, LIECHTENSTEIN UND USA at 589. Cologne: Schmidt, 2d ed. 1997.
34. *Special Defenses in International Antitrust Litigation*, Antitrust Monograph Series No. 20. Chicago: American Bar Association, Antitrust Law Section, 1995 (co-author).
35. *Freedom of Information and the EU Data Protection Directive*, 48 FED. COMMUNICATIONS L.J. 93 (1995).
36. *Business Information and “Personal Data”*: Some Common Law Observations about the EU Draft Data Protection Directive, 80 IOWA L. REV. 619 (1995)
37. *Civil Justice Reform in the United States: Opportunity for Learning from Civilized European Procedure Instead of Continued Isolation?* (with Ernst C. Stiefel), in FESTSCHRIFT FÜR KARL BEUSCH, 853 (1993), also in 42 AM. J. COMP. L. 167 (1994).

38. *The Expert In U.S. and German Patent Litigation*, 1991 INTERNATIONAL REVIEW INDUSTRIAL PROPERTY AND COPYRIGHT LAW [IIC] 595, also in German in GRUR INT. 1991, 85.
39. *1992: High Time for American Lawyers to Learn From Europe, or Roscoe Pound's 1906 Address Revisited*, 15 FORDHAM INT'L L.J. 1 (1991).
40. *Germany Unites—A Legal Primer*, N.Y.L.J., July 5, 1990, at 1.
41. *Berlin Brief: West Germany Amends Its Antitrust Law*, N.Y.L.J., April 3, 1990 at 1.
42. *Die Gefahr der Übertragung deutschen Rechtsdenkens auf das U.S.-amerikanische Zivilprozeß-rechts* (The Danger of Transferring German Legal Conceptions to American Civil Procedure), RECHT DER INTERNATIONALEN WIRTSCHAFT [RIW] 1990, 440.
43. *The new FTC Improvements Act of 1979*, in German, 1980 *Wirtschaft und Wettbewerb (WuW)* 20.
44. *Constitutionalizing Forfeiture Law—The German Example*, 27 AM.J.COMP.L. 635 (1979).
Judge Henry White Edgerton Prize Essay, Cornell Law School, 1997.
45. *Bane of American Forfeiture Law—Banished at Last?*, 62 CORNELL L. REV. 768 (1977).
Still widely cited today.

BOOK REVIEWS

1. FELDMAN, GERALD. ALLIANZ AND THE GERMAN INSURANCE BUSINESS 1933-1945, in THE EUROPEAN LEGACY, 10 JOURNAL OF THE INTERNATIONAL SOCIETY FOR THE STUDY OF EUROPEAN IDEAS 259 (2005).
2. STOLLEIS, MICHAEL. THE LAW UNDER THE SWASTIKA, in 5 THE EUROPEAN LEGACY, JOURNAL OF THE INTERNATIONAL SOCIETY FOR THE STUDY OF EUROPEAN IDEAS, 459 (2000).
3. STADLER, ASTRID. DER SCHUTZ DES UNTERNEHMENGEHEIMNISSES IM DEUTSCHEN UND U.S. AMERIKANISCHEN ZIVILPROZESS UND IM RECHTSHILFEVERFAHREN - book on trade secrets and international civil procedure) in 40 AM. J. COMP. L. 611 (1991).
4. KARPEN, ULRICH (ed.), THE CONSTITUTION OF THE FEDERAL REPUBLIC OF GERMANY). 24 INT'L LAWYER 856 (1990).
5. LANGE, DIETER & STEPHEN BLACK. DER ZIVILPROZESS IN DEN VEREINIGTEN STAATEN AND HAIMO SCHACK, EINFÜHRUNG IN DAS U.S.-AMERIKANISCHE ZIVILPROZESSRECHT (two introductions to American civil procedure). 23 INT'L LAWYER 321 (1989). Excerpt reprinted in MERRYMAN, CLARK AND HALEY, THE CIVIL LAW TRADITION: EUROPE, LATIN AMERICAN, AND EAST ASIA, at 10.
6. LANGE, DIETER & STEPHEN BLACK. DER ZIVILPROZESS IN DEN VEREINIGTEN STAATEN and HAIMO SCHACK, EINFÜHRUNG IN DAS U.S.-AMERIKANISCHE ZIVILPROZESSRECHT. GRUR INT. 1989, 434.
7. BORRIS, CHRISTIAN. DIE INTERNATIONALE HANDELSCHIEDSGERICHTSBARKEIT IN DEN USA (book on International Arbitration in the USA. NEUE JURISTISCHE WOCHENSCHRIFT [NJW] 1988, 3078
8. SINGH, MAHENDRA P. GERMAN ADMINISTRATIVE LAW IN COMMON LAW PERSPECTIVE. 21 INT'L LAWYER 1221 (1987).

9. MEADOR, JOHN. IMPRESSIONS OF LAW IN EAST GERMANY: LEGAL EDUCATION AND LEGAL SYSTEMS IN THE GERMAN DEMOCRATIC REPUBLIC. 37 J. LEGAL ED. 448 (1987).

CONFERENCE AND OTHER PRESENTATIONS

1. "The Third Pillar of Discovery Reform: A Requester-Pays Default," Panel moderated by former U.S. Senator from Arizona Jon Kyl, Lawyers for Civil Justice 2014 Members' Meeting, May 6, 2014, Washington DC.
2. "Legal Transplants and Legal Transition," Chung Ang University School of Law, Seoul, Korea, May 31, 2012.
3. "Improving Civil Justice in East Asia, Germany and the U.S.," Kansai University Law Study Institute, May 28, 2012.
4. "Laws without Order," Codification Congress, International Academy of Comparative Law, National Taiwan University, Taipei, May 24-26, 2012.
5. "More Effective Civil Justice Through Comparative Law: United States, Germany, East Asia," Keynote Address, National University of Kaohsiung, Nanzin, Kaohsiung City, Taiwan, May 23, 2012.
6. "Those Strange American Ways," in The Economic and Global Impact of Litigation Costs Part I: Discovery, Pleading, Over-Preservation and Scope, Lawyers for Civil Justice, 2012 Membership Meeting, Washington DC, May 3, 2012.
7. "Replacing a Rule of Lawyers with a Rule of Law," CATO Institute, Washington DC, April 19, 2012.
8. Comment, "Caring for Justice Needs for Everyone: The role of Ministries of Justice," Innovating Justice Forum 2012, Innovating Justice Forum 1012, The Hague, Netherlands, April 16, 2012.
9. "Failures of American Civil Justice in International Perspective," Federalist Society, Syracuse University School of Law, March 21, 2012.
10. "Failures of American Civil Justice in International Perspective," University of Baltimore School of Law, March 6, 2012.
11. "Failures of American Civil Justice in International Perspective," Federalist Society, Columbia Law School, February 27, 2012.
12. "Failures of American Civil Justice in International Perspective," The Dennis J. Block Center for the Study of International Business Law, Brooklyn Law School, February 24, 2012.
13. "Failures of American Civil Justice in International Perspective," Federalist Society, Cornell Law School, February 16, 2012.
14. "Keeping up with the Joneses: Foreign Insights, Foreign Challenges, & an International Commitment to Put Our Legal House in Order, Comment at Common Good Forum on Obsolete Law: Does Government Need a Spring Cleaning?, Carnegie Endowment for International Peace, Washington DC, February 7, 2012.

15. "Remarks on Common Good Presentation of Rebecca Kourlis' *Rebuilding Justice: Civil Courts in Jeopardy and Why You Should Care*, and James R. Maxeiner's *American Failures in Civil Justice in International Perspective*, Common Good Presentation, Covington & Burling, New York NY, November 10, 2011.
16. "Failures of American Civil Justice in International Perspective," Faculty of Law, New York Law School, Nov. 1, 2011.
17. "Comparative Legal Methods: Now More than Ever!," Address to the 50th Anniversary Conference of the Québec Society of Comparative Law, Université de Sherbrooke, Sherbrook, Québec, October 28, 2011.
18. "Failures of American Civil Justice in International Perspective," XIV International Association of Procedural Law World Congress on Procedural Justice, Heidelberg, July 28, 2011.
19. "Failures of American Civil Justice in International Perspective," Faculty of Law, University of Passau, Germany, May 19, 2011.
20. Kiev, Ukraine, "Failures of American Civil Justice in International Perspective," National University of Kyiv-Mohyla Academy, Kiev, Ukraine, May 4, 2011.
21. "Failures of American Civil Justice in International Perspective: Ten Best Practices in Civil Justice, III. International Law Conference, Comparative Law Discussions," National Academy of Sciences of Ukraine, Lviv, April 30, 2011.
22. "Ten German Advantages in Civil Justice," Max Planck Institute for Comparative and International Private Law, Hamburg, April 27, 2011.
23. "Letterman meets Langbein: Ten German Advantages in Civil Justice," Mississippi College School of Law, Jackson MS, 2011.
24. "Failures of American Civil Justice in International Perspective," University of Houston School of Law, April 6, 2011.
25. "Letterman meets Langbein: Top Ten German Advantages in Civil Justice," Cumberland Law School, Samford University, Birmingham AL, April 1, 2011.
26. "Letterman meets Langbein: Top Ten German Advantages in Civil Justice," American Foreign Law Association, New York City, March 23, 2011.
27. "Must a Good German Judge be a Bad American Judge and Vice Versa?," faculty member, "Judicial Ethics: A Worldwide Comparison," German Judges' Academy, Trier, Germany, November 30, 2010 (in German).
28. "Mentalité of the American Bar as Barrier to Better Regulation," Transatlantic Perspectives on the Future of Regulation, European American Consortium for Legal Education, Annual Research Conference, Erasmus University School of Law, Rotterdam, May 28, 2010.
29. "Iqbal: Back to Basics," Penn State Law School Symposium, Reflections on Iqbal: Discerning Its Rule, Grappling with Its Implications, March 26, 2010.
30. Address, "Fixing Our Broken System of Civil Justice: Ideas from Abroad," University of Baltimore Litigation Week, March 2, 2010.

31. Interview, »Das deutsche Recht hat sich als enorme Bereicherung und auch Inspirationsquelle erwiesen«, 2009 DEUTSCHE RICHTERZEITUNG [German Judges' Journal] 306 (11/2009).
32. "Comparative Legal Methods: Now More than Ever!" Remarks Presented to the American Society of Comparative Law, Annual Conference, On Methodological Approaches to Comparative Law, Roger Williams School of Law, October 2, 2009.
33. "Practical Civil Procedure: Decisions According to Law in the United States, Germany and Korea," Faculty Colloquium, The Earl Mack School of Law at Drexel University, Philadelphia PA, September 14, 2009.
34. Faculty Member in Continuing Judicial Education Course, "The Role and Self-Understanding of the Judge Today," German Judges' Academy, Wustrow, Germany, June 26 to July 3, 2009 (in German).
35. "What's the Difference?" Korean Private International Law Association, Seoul, Korea, May 22, 2009.
36. "Uniform Law and Its Impact on National Law: Lessons for International Law," Colloquium, Seoul National University School of Law, Seoul, Korea, May 21, 2009.
37. "Comment, Legal Certainty in Constitutional Adjudication in Germany and in the U.S.A.," Colloquium for Constitutional Research Officers, Constitutional Court of Korea, Seoul, Korea, May 20, 2009.
38. "Learning from Others: Sustaining the Internationalization and Globalization of Law School Curricula: Questions for Korea," Special Lecture, Law Research Institute, Chung-Ang University, Seoul, Korea, May 19, 2009.
39. "Comment, Copyright Management Societies in the USA: Information on the Copyright Clearance Center from Authors' Perspectives," 25th Anniversary Program, Korean Society of Authors (KoSA), Seoul, Korea, May 19, 2009.
40. "Comment: Regulation on the Road to Damascus: How Continental Jurists Can Help American Sauls Become Pauls, at conference, "Continental Law and the Global Financial Crisis: Contributions Towards a Better Regulation," held at the World Bank in Washington DC, May 11, 2009, sponsored by the French organization, Les Acteurs Français Du Droit à L'International (The Continental Law Professions International Initiative).
41. Interview, »Warum Rechtssicherheit nicht selbstverständlich ist: "Law—Made in Germany" aus amerikanischer Sicht«, 2009 NOTAR [professional journal] 321 (5/2009).
42. Commentator, Fourth Annual Comparative Law Works in Progress Workshop, held at Princeton University, Program in Law and Public Affairs, February 6-7, 2009.
43. Moderator, Program Director, "Taking International Law Seriously: Can the United States Abide by International Law that is a Law of Rules?," Section on International Law, Annual Meeting, Association of American Law Schools, San Diego CA, Jan. 9, 2009
44. "Guiding Litigation: Applying Law to Facts in Germany, Common Good Forum," Summary presentation to "The Boundaries of Litigation," Brookings Institution, Washington DC April 15, 2008. Webcast: <http://www.fc-tv.com/webcast/commongood/april08/panel4a.aspx> at circa 27:45. (The larger panel included Justice Anthony Kennedy.)

45. "More than Just Law School: Global Perspectives on the Place of the Practical in Legal Education," Address to the International Conference on the Future of Legal Education, Georgia State University, School of Law Atlanta GA, February 20-23, 2008 available at <http://ssrn.com/abstract=1230459>.
46. "Global Civil Procedure—The United States and Germany," Annual Meeting, 'Deutsch-Amerikanische Juristenvereinigung (German-American Lawyers' Association), Washington DC, October 4, 2007.
47. "Legal Methods as a Point of Reference for Comparative Studies of Procedural Law," Paper Proposal for XIIIth World Congress on Procedural Law, Salvador-Bahia Brazil, September 16 to 22 September 2007 (submitted and accepted) available at <http://ssrn.com/abstract=1232579>.
48. "Juristenausbildung in den Vereinigten Staaten von Amerika—Rechtsanwälte ohne Referendare" (Legal Education in the United States—Lawyers without Legal Interns), Conference for All Directors of Legal Intern Working Groups, Bavarian State Ministry of Justice, Fischbachau, Germany, May 14, 2007.
49. "Rechtssicherheit durch Rechtsmethoden: Warum in Deutschland die Rechtssicherheit, dagegen in den Vereinigten Staaten die RechtsUNsicherheit herrscht" (Legal Uncertainty through Legal Methods, Why Legal Certainty Prevails in Germany but Legal Uncertainty in the United States), Leipzig University Faculty of Law, Leipzig Germany, December 11, 2006.
50. *Rettungsfolter* (Salvation Torture) Report on the *Gäfgen v. Germany* Case Pending Before the European Court of Human Rights, AMINTAPHIL, Washington University in St. Louis, November, 2006, available at <http://ssrn.com/abstract=1230460>
51. Commentator, "International Forum on New Legal Education Methods in the Global Society," 2006 Congress of the International Association of Procedural Law, Ritsumeikan University, Kyoto Japan, September 22, 2006.
52. "Faculty Development and Assessment in American Law Schools for Japanese Law Professors," Kansai University School of Law, Osaka Japan, September 21, 2006.
53. "Legal Certainty through Legal Methods: Why Germany has Legal *Certainty* and America has Legal *Indeterminacy*," Legal Certainty Conference Sponsored by Clark Foundation for Legal Education, Glasgow Graduate School of Law, UK, September 15, 2006.
54. "European Influences on American Commercial Law," University of Warsaw, American Law Center, Warsaw Poland, May 11, 2006.
55. "Do Americans Take Rules Seriously?" University of Warsaw, Warsaw Poland, May 10, 2006.
56. "Taking Rules Seriously: An International Perspective on the Rule of Law as a Law of Rules," University of Baltimore School of Law, April 20, 2005.
57. "Standard-Form Contracting: Current Challenges to Enforceability," American Express Continuing Legal Education, World Financial Center, New York NY, June 3, 2004.
58. "Standard Terms Contracting: An Issue for International Business," State University of New York at New Paltz Business School, December 12, 2003.

59. "Are Your Click-Wrap Agreements Valid?—Internet Contracting in the Global Electronic Age: Comparative Perspectives for the Republic of China in Taiwan," International Conference on Innovative Information Technology Policy and E-Society, National Chengchi University, Taipei Taiwan, November 14, 2003 available at SSRN: <http://ssrn.com/abstract=1250343>
60. "Does Your Website Put You at Risk?—Liability Issues in Using Third Party Content: Global Perspectives," International Conference on Innovative Information Technology Policy and E-Society, National Chengchi University, Taipei, Taiwan, November 13, 2003, available at <http://ssrn.com/abstract=1250303>.
61. Same address given at National Taipei University College of Law, Taipei Taiwan, November 12, 2003.
62. "UCC Unconscionability: Why the American Law Institute Needs International and Comparative Law," University of Baltimore School of Law, November 6, 2003.
63. "International Selling in Cyberspace," International Business Transactions Seminar, University of Kansas School of Law, September 24, 2003, Lawrence Kansas.
64. "Legal Methods Awareness and Japan in an Era of Global Electronic Commerce," Ritsumeikan University Faculty of Law, Kyoto Japan, June 19, 2003.
65. "Standard Contract Terms in Global Electronic Use," American Foreign Law Association, New York, N.Y., January 15, 2003.
66. "Standard Terms Contracting in the Global Electronic Age: European Alternatives," Rutgers Law School—Camden, November 6, 2002.
67. Keynote Speaker, Symposium on Jurisprudence, New Challenges for Law and Jurisprudence, Georg-August Universität, Göttingen Germany & Kansai University, Osaka, Japan, March 9-13, 2002
68. "International Business Transactions—Catalysts for Law Reform: An Example from Maryland," University of Baltimore School of Law, January 16, 2002.
69. "Standard Terms in UCITA: An Old Problem Assumes New Importance," University of Miami School of Law, December 3, 2001.
70. "The New Commercial Law and Public Information Policy: Fair Use, Libraries, and UCITA," University of Missouri Kansas City School of Law, December 4, 2000.
71. "Public Policy and Contract Law—The UCITA Intersection," Electronic Contracting: Current Law and the Uniform Computer Information Transactions Act, September 21-22, 2000 (Glasser Legal Works: New York City).
72. Panelist, E-Commerce and Your Business, Washington Area State Relations Group, Washington DC, June 13, 2000.
73. Panelist, More Protection for Databases? Association of the Bar of the City of New York, March 21, 2000.
74. "Uniform Computer Information Transactions Act (UCITA)—A Business Perspective," Webcast, Information Technology Association of America, December 7, 1999.

75. "UCC Proposed Article 2B Licenses: An Impressionistic Overview, Presentation as part of UCC 2B: A Briefing, Webcast, Information Technology Association of America, July 16, 1998.
76. "EU Data Protection Directive: Globalization of Standards, or Emphasis on Process?" Conference on Fair Information Practices and Data Privacy, Coalition of Service Industries, Washington DC, April 16, 1998.
77. "Some Comments on the Issue of Database Protection, A Business Perspective on Database Protection," The U.S. Copyright Office Speaks (Glasser Legal Seminars), Washington DC, December 11, 1997.
78. "Legal Aspects of Competitive Intelligence," Forum on Competitive Intelligence of The Institute for International Research, New York, NY, February 7, 1996.
79. "High Tech Reception: How Globalization is Forcing the US to Deal with—and Even to Adopt—Foreign Law," Suffolk University Law School, Boston MA, January 10, 1996.
80. "The Globalization of the US Information Practices: the International Challenge of the EU Data Protection Directive," Valparaiso University College of Law, Valparaiso IN, October 16, 1995.
81. "Ten Hints for International Career Development in the Next Millennium," Keynote Address at the Mid America International Legal Careers Day, University of Missouri Kansas City School of Law, October 14, 1995.
82. "Public Policy, Cyber Law and the NII: Understanding the Rules of the Road," 1995 National Information Infrastructure Testbed (NIIT) Annual Members Forum, San Antonio TX, May 9, 1995.
83. "Litigation in the U.S. and in the Civil Law Systems: What can we learn from each other?," American Foreign Law Association, New York, NY, March 15, 1995 available at <http://ssrn.com/abstract=1249802>.