

LESTER BRICKMAN

PERSONAL

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EDUCATION

Carnegie Tech, B.S. in Chemistry, 1961 (4-year scholarship)
University of Florida, LL.B., 1964 (Law Review, Order of the Coif)
Yale University, LL.M., 1965 (Sterling Fellow)

PROFESSIONAL STATUS

Member of the New York Bar; U.S. Courts of Appeals for the Third and Fifth Circuits

EMPLOYMENT

Sibley, Giblin, King & Levenson: Summer, 1964
Louisiana State University Law School: Summer, 1969
Council on Legal Education: 1969-1970
University of Toledo Law School: 1965-1969, 1970-1976
Cardozo Law School: 1976- Present (Acting Dean 1980-82)
Oxford University, Visiting Fellow, Centre for Socio-Legal Studies, May-June 1997
Fordham Law School, 1999-2000 (Adjunct Faculty)

RANK

Professor of Law; Acting Dean 1980-82

SUBJECTS TAUGHT

Present: Contracts, Professional Responsibility, The Legal Profession, Land Use.

Past: Family Law, Federal Jurisdiction, Jurisprudence, Law & Poverty, Housing Law, Consumer Problems of the Poor, Legal Process, Municipal Corporations, Workmen's Compensation Seminar, Community Land Use Game Seminar, Social Indicators Seminar, Negotiation, and seminars on legal services delivery systems.

LAW SCHOOL COMMITTEES

Appointments and Promotions, Budget, Educational Policy, ABA Accreditation and Self-Study, AALS Accreditation, Placement, Academic Standards, Faculty Rules.

UNIVERSITY COMMITTEES

Faculty Review Committee.

PROFESSIONAL ACTIVITIES

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A. General

U.S. Chamber of Commerce Institute For Law Reform 2004 Research Award.
Professional Responsibility, Legal Ethics & Legal Education Practice Group Executive Committee, The Federalist Society (1997-1998).
Committee on Professional and Judicial Ethics of the Ass'n of the Bar of the City of NY (1994-1997).
Association of Professional Responsibility Lawyers (1991-02).
Committee on Professional Responsibility of the Ass'n of the Bar of the City of NY (1990-93).
New York State Bar Association Committee on Professional Ethics, 1985-87.
Law and Economics Institute, summer 1986.
Mayor's Committee on the Judiciary (New York City) (1981-82).
Lecturer on Professional Responsibility of Government Lawyers and Para-professionals, Legal Education Institute of the U.S. Civil Service Commission.
Proposal Reader - U.S. Office of Education (1978-1990).
Pre-1980 listings available

B. Congressional Testimony (Federal and State)

Asbestos: Mixed Dust and FELA Issues, testimony on the proposed FAIR Act and the effect of mass filings of silicosis claims, Committee on the Judiciary, U.S. Senate, (Feb. 2, 2005). **Cited In:** 2-9 MEALEY'S TORT REF. UPDATE 16 (Apr. 2005); 20-6 MEALEY'S LITIG. REP. ASB. 17 (Apr. 2005); 3-8 MEALEY'S LITIG. REP. SILICA 11 (Apr. 2005); 3-9 MEALEY'S LITIG. REP. SILICA 11 (May 2005); 20-9 MEALEY'S LITIG. REP. ASB. 26 (June 2005); 12 Conn. Ins. L.J. 477 at 494 (2005-2006); 37 St. Mary's L.J. 283, at 290 (2006); 31 Un. Dayton L. Rev. 173 at 194 (2006); 58 Admin. L. Rev. 269 at 344, 350 (2006); 30 Am. J. Trial Advoc. 295 at 300 (2006); 17 J. Bankr. L. & Prac. 2 Art. 3 at n. 125 (2008).

Oversight Hearing On The Administration of Large Business Bankruptcy Reorganizations: Has Competition For Big Cases Corrupted The Bankruptcy System, testimony on administration of asbestos bankruptcies, Subcommittee on Commercial and Administrative Law of the House Judiciary Committee (108th Cong., July 21, 2004). **Cited In:** 4-1 MEALEY'S ASB. BANKR. REP. 10 (Aug. 2004); 19-13 MEALEY'S LITIG. REP. ASB. 6 (Aug. 2004); 2-6 MEALEY'S INTL. ASB. LIAB. REP. 8 (Aug. 2004); 80 Notre Dame L. Rev. 1187, at 1188, 1196, 1208, 1210 (2005); 14 J. Bankr. L. & Proc. 1 at fn 43 (2005); 74 UMKC L. Rev. 585 at 604 (2006); 62 N.Y.U. Ann. Surv. Am. L. 271 at 288, 292, 319 (2006); 2 Env'tl. Ins. Litig. L. & Prac. §27:20 at 503 (2006); 6-12 Mealey's Bankr. Rep. 22 at n. 29, 30 (July 2007).

Hearings on Ohio H.B. 292 (to reform asbestos litigation), Committee On Judiciary Of The Ohio Senate, May 5, 2004.

Attorney Fees and the Proposed Global Tobacco Settlement before the Subcommittee on Courts and Intellectual Property of the House Committee on the Judiciary, 105th Congress (Dec. 10, 1997) (statement of Lester Brickman.) **Cited In:** 109 Yale L.J. 1496 (2000); 51 De Paul L. Rev. 319 (2001).

Product Liability Reform and How the Legal Fee Structure Affects Consumer Compensation Before the Subcommittee On Telecommunications, Trade, and Consumer Protection of the House Comm. on Commerce, 105th Cong. 105-31 (April 30, 1997) (statement of Lester Brickman.) **Cited In:** 11 Geo. J. Legal Ethics 233, at 238 (1998).

Contingency Fee Abuses: Hearing on Examining Certain Contingency Fee Abuses and Their Effect On The Tort System Before the Senate Comm. on the Judiciary, 104th Congress, 1st Sess. (Nov. 7, 1995) (statement of Lester Brickman). **Cited In:** 47 DePaul L. Rev. 268 (1998); 47 DePaul L. Rev. 341 (1998); 11 Geo. S. Legal Ethics 238 (1998).

Effects of Asbestos Injury Litigation on Federal and State Courts Before Subcommittee on Intellectual Property and Judicial Administration of the House Committee on the Judiciary, 102nd Congress, 1st Sess. (Oct. 24, 1991) (statement of Lester Brickman). **Cited In:** 88 N.W. L. Rev. 527-28 (1994); 24 J. of Environmental Affairs 631 (1997); Schwartz & Lorber, 24 Am. J. Trial Advocacy 251 (2000); 6 Tex. Rev. Law & Pol. 137 at n.158 (2001); 53 So. Car. L. Rev. 815 at 823 (2002); 3-3 MEALEY'S ASB. BANKR. REP. 24 (Oct. 2003); 62 NYU Ann. Surv. Am. L. 223 at 235 (2006); 59 Stan. L. Rev. 1671 at 1729 (2007).

C. Conferences And Other Presentations

- Featured Speaker: American Tort Reform Ass'n Annual Meeting, "What Is the Significance of the Prosecutions of Milberg Weiss and Dickie Scruggs for Civil Justice Reform Prospects?", Washington, D.C., March 11, 2008.
- Presenter: Mealey's Asbestos Medicine Conference, "The Ethics of Diagnosis," Philadelphia, April 16, 2007.
- Panelist: AEI-Brookings Judicial Symposium on Civil Justice Issues, "Toxic Torts and Mass Screening," Washington, D.C., December 7, 2006. **Cited In:** 85 Tex. L. Rev. 1465 at n.182 (2007).
- Panelist: ALI-ABA Conference on Asbestos Litigation in the 21st Century, "Asbestos Screenings: Dead or Just Napping," New Orleans, La., November 30-Dec. 1, 2006.
- Panelist: Mealey's Silica & Asbestos Claims Conference, "The Mass Screening of Silica & Asbestos Claims: The Fallout from Judge Jack's Decision," Philadelphia, Nov. 9, 2006.
- Panelist: U.S. Chamber of Commerce Inst. for Legal Reform, Annual Legal Reform Summit, "Latest Adaptations in the Plaintiffs' Bar Business Model," Washington, D.C., Oct. 26, 2006.

Presenter: Federalist Society, "Mass Fraud in Mass Torts?," Washington D.C., Oct. 12, 2006.

Panelist: American Enterprise Inst. for Public Policy Research, "Will The FAIR Act Fix The Asbestos Mess," Washington, D.C., Jan.19, 2006.

Panelist: Conference on "Asbestos: Anatomy of a Mass Tort", Univ. of Connecticut Law School, Hartford, Ct., Nov. 3, 2005.

Speaker: Annual Meeting of Ass'n of American Physicians and Surgeons, "The Silica Story And Its Significance," Arlington, Va., Sept. 23, 2005.

Speaker: Rotary Club of New York, "Silicosis: Son of Asbestosis?," New York, N.Y., August 23, 2005.

Panelist: Colloquy on Legislation To Resolve Asbestos Litigation – A Conversation with President George Bush, McComb County, Michigan, January 7, 2005.

Featured Speaker: American Tort Reform Ass'n Annual Legislative Conference, "A Look at Asbestos Litigation," New Orleans, LA., November 16, 2004.

Presenter: New York County Lawyers' Ass'n Joint Committee on Fee Disputes and Conciliation, Training Session for Fee Arbitrators, N.Y., N.Y., October 20, 2004.

Discussant: American Enterprise Institute for Public Policy Research, "What Do We Know About Contingency Fees?," Wash. D.C., Sept. 22, 2004. **Cited In:** 85 Tex. L. Rev. 1465 at n. 182 (2007).

Panelist: Mealey's National Asbestos Litigation Conference, "Ethical Issues Related to Screening," Philadelphia, Sept. 20-21, 2004.

Presenter: Conference On Asbestos Allocation: Apportionment Liability In Asbestos Litigation, "Ethical Issues In Asbestos Litigation," San Francisco, June 17-18, 2004.

Featured Speaker: Insurance Federation of New York, New York, An Update on Asbestos Litigation, May 13, 2004.

Featured Speaker: Manhattan Inst. Center For Legal Policy, "On The Theory Class's Theories of Asbestos Litigation: The Disconnect Between Scholarship And Reality," New York, March 10, 2004. **Cited In:** 72 Def. Couns. J.241, at 242 (2005).

Moderator: Ass'n of Bar of City of New York, "Litigation Reform & The 9/11 Victim Compensation Fund," N.Y., N.Y., Sept. 18, 2003.

Presenter: New York County Lawyers' Ass'n Joint Committee on Fee Disputes and Conciliation, Training Session for Fee Arbitrators, N.Y., N.Y. May 5, 2003.

Panelist: Pepperdine Law School, "Asbestos Litigation & Tort Law: Trends, Ethics, and Solutions," Malibu, California, April 4-5, 2003.

Panelist: Ass'n of the Bar of the City of New York, "Asbestos: What Went Wrong?," New York, N.Y., Oct. 21, 2002.

Panelist: U.S. Chamber Institute for Legal Reform and Manhattan Institute Center for Legal Policy, "Magnet Courts & Class Actions: The Empirical Evidence," Washington, D.C., June 17, 2002.

Featured Speaker: Forum of the Center for Legal Policy at the Manhattan Institute, "Asbestos Litigation: Malignancy in the Courts?," New York, N.Y., May 2, 2002.

Panelist: Univ. of Ill. Law School Conf. on "Ethics 2000 and Beyond: Reform or Professional Responsibility as Usual?," Champaign, Ill., April 5, 2002.

Panelist: ABA Nat'l Conf. on Professional Responsibility, "The Ethics of Hourly Rate Billing," Miami Beach, Fla., May 31, 2001.

Keynoter: Minnesota State Bar CLE 2001 Business Law Institute, "The Role of Financial Self-Interest in the Governance and Operation of the Bar," Minneapolis, April 27, 2001.

Panelist: William & Mary Law School Conf. on Toxic Torts, Panel on Ethical and Settlement Issues in Mass Tort Litigation, Williamsburg, Va., March 23-24, 2001.

Presenter: New York State Unified Court System, Training Session, Fee Dispute Arbitration in Domestic Relations Cases, N.Y., Jan. 23, 2001.

Panelist: ABA National Inst. on Class Actions, "Current Ethical Issues in Class Actions," New York, Oct. 13, 2000.

Testimony: ABA Commission on Evaluation of the Rules of Professional Conduct ("Ethics 2000"), New Orleans, LA., June 2, 2000.

Panelist: Hudson Inst., U.S. Chamber of Commerce, Federalist Soc'y, Conf. On Excessive Legal

- Fees, "The Scope of the Problem and Responses by the Judiciary and Bar," Washington, D.C., May 25, 2000. **Cited In:** 18 Geo. J. Ethics 1343, at 1356 (2005).
- Presenter: New York State Unified Court System, Training Session, Fee Dispute Arbitration in Domestic Relations Cases, N.Y., May 23, 2000.
- Panelist: Federalist Society Nat'l Lawyers Convention, "Class Action Ethics & Abuse," Washington, D.C., Nov. 11, 1999.
- Panelist: The Federalist Society, Manhattan Inst., and U.S. Chamber Inst. for Legal Reform (joint program), "The New Business of Government-Sponsored Litigation: State Attorneys General & Big City Lawsuits," Washington, D.C., June 22, 1999.
- Debate: NYU Federalist Society, "Tort Reform and Federalism," New York, April 15, 1999.
- Presenter: American Tort Reform Foundation Forum, "Contingency Fee Lawyers and States' Attorneys General: Partnerships For Private Gain or Public Good," Washington D.C., February 25, 1999.
- Presenter: Fordham University School of Law, "The Tobacco Litigation & Attorneys' Fees," New York, Feb. 4, 1999.
- Presenter: Manhattan Inst., "Order in the Court: A Fresh Look at Litigation Reform in America," New York, Jan. 20, 1999.
- Featured Speaker: American Swiss Foundation Forum, "Contingency Fees and Class Actions," New York, Feb. 10, 1998.
- Presenter: Federalist Society Lawyers' Convention, "What Drives Legal Ethics?" Wash., D.C., Oct. 18, 1997. (Broadcast on C-Span).
- Keynoter: American Legislative Exchange Council Civil Justice Task Force meeting, "Tort Reform," Austin, Texas, April 12, 1997.
- Featured Speaker: Manhattan Inst. Center for Judicial Studies luncheon forum, "Civil Justice Reform as Consumer Protection," New York, March 27, 1997. **Cited In:** 71 N.Y.S. Bar Ass'n J. 51 (April 1999).
- Featured Speaker: Invitation-only meeting of ABA leaders and a group of general counsels, "Seeking Common Ground: A Dialogue Between General Counsel and the ABA," Washington, D.C., June 26, 1996.
- Featured Speaker: Forbes CEO Forum, on tort reform, Toronto, June 21, 1996.
- Panelist: Ass'n of American Law Schools Professional Responsibility, "Institutional Choices in the Regulation of Lawyers," San Antonio, Tx., Jan. 7, 1996.
- Panelist: ABA Section on Business Law, "Securities Class Actions: Is Legislation Necessary?," Chicago, Aug. 8, 1995.
- Panelist: Ass'n of Bar of the City of New York, "Proposed Contract with America Legislative Changes," New York, June 12, 1995.
- Presenter: American Bar Ass'n 21st Nat'l Conference on Professional Responsibility, plenary session panel on Contingency Fees, San Diego, June 2, 1995.
- Presenter: American Tort Reform Association Annual Meeting of Coalition Leaders, "on the effects of contingency fees on the tort system," Chicago, Ill., Oct 4, 1994.
- Featured Speaker: NYU Institute of Judicial Administration Appellate Judges Seminar luncheon, "a proposal to reform contingency fee abuses," N.Y., June 28, 1994.
- Featured Speaker: NYU Institute of Judicial Administration Board of Directors meeting, "a proposal to reform contingency fee abuses," Washington, D.C., May 17, 1994.
- Presenter: New York Criminal Bar Ass'n., "Legal Fees After the Court of Appeals Recent Decision Prohibiting Non-Refundable Retainers: The Impact of Cooperman on 'Flat,' 'Minimum' and other Non-Hourly Fee Arrangements," N.Y., April 26, 1994.
- Featured Speaker: National Employment Lawyers Association of New York "ethical issues relevant to employment law," N.Y., Dec. 10, 1993.
- Presenter: Cardozo Law Review Symposium on "Scientific Evidence After the Death of Frye," "The Irrelevance of Scientific Evidence: Tort System Outcomes Are Principally Determined by Lawyers' Rates of Return," New York, Oct. 25, 1993.
- Presenter: Ass'n of Professional Responsibility Lawyers, "nonrefundable retainers," New York, August 7, 1993.
- Panelist: New York State Association of Disciplinary Attorneys, "nonrefundable retainers,"

- Brooklyn, N.Y., May 25, 1993.
- Presenter: Ass'n of the Bar of the City of New York, "New Approaches in Controlling Legal Fees and Contingency Agreements," presentation titled: A Proposal To Bring The Contingency Fee System Into Line With Its Ethical Mandates and Policy Roots. New York, May 18, 1993.
- Presenter: Practising Law Institute, "The Attorney-Client Relationship After Kaye, Scholer," presentation titled: Has the Office of Thrift Supervision Changed the Relevant Ethical Rules by its Actions in the Kaye, Scholer Matter?, Washington D.C., June 15, 1992.
- Presenter: Symposium on Bankruptcy, South Carolina, Law Review, "attorney fees in bankruptcy," Columbia, S.C., March 20, 1992.
- Presenter: Institute for Continuing Legal Education of Loyola Law School, Conference on the Longshore and Harbor Workers' Compensation Act; presented a proposal for an industry-financed benefits pool for asbestos claimants, New Orleans, Feb. 7, 1992.
- Moderator/Organizer: Colloquy on an Administrative Solution to the Asbestos Litigation Crisis, Administrative Conference of the United States, Washington, D.C., Oct. 31, 1991 (for which I authored the proposal that was the subject of the conference).
- Testimony: Fairness Hearing held in reorganization of Manville Settlement Trust (on attorney fees), U.S.D.C., New York, January 2, 1991. **Cited In:** *In re Joint E.&S. Dists. Asbestos Litigation (Findley v. Blinken)*, 129 B.R. 710, at 863-4 (E. & S.D.N.Y. 1991); 88 N.W. L. Rev. 527 (1994).
- Testimony: ABA Commission on Evaluation of Disciplinary Enforcement hearing, New Orleans, La., June 8, 1990.
- Pre-1990 listings available

D. **Consulting Activities** (Public Institutions)

(1) Administrative Conference of the United States (to organize a colloquium to evaluate a plan for an administrative alternative to asbestos litigation, 1991); U.S. Office of Education (to evaluate applications for clinical legal education grants, 1978-88); The Legal Education Institute of the U.S. Civil Service Commission as a lecturer on professional responsibility of government attorneys, 1977-1980); The National Science Foundation (to construct a research agenda for improving the delivery of legal services to middle class consumers, 1975-78); ABA Special Committee on Specialization (1975); Law Enforcement Assistance Administration (to add clinical programs in prosecutors offices, 1974); The Ford Foundation (for which I prepared a year-long field report on legal paraprofessionals, 1970-71); The North Central Association (a regional accrediting agency for which I evaluated a law school for accreditation purposes, 1972); the Housing Committee of the Toledo Model Cities Program (1968-69).

(2) The Council on Legal Education for Professional Responsibility -- activities included evaluation of programs, the organization of workshops on clinical legal education and related areas, and the writing up of these workshops for the CLEPR Newsletter (1970-1980).

(3) I have consulted for a number of law schools on matters of curricular design in the clinical area, e.g., L.S.U., Cleveland State, Temple.

(4) I have been a consultant to Lear Siegler, Volt Technical Services, NLADA, Auerbach Associates, American Technical Assistance Corporation, and the Quincy Corporation to provide evaluations of and technical advice and assistance to OEO Legal Services programs. In the 1968-75 period I evaluated approximately 70 programs.

(5) In 1966-67, I was Deputy Director of, and consultant to, the Student Wave Survey, a \$30,000 research project funded by the Association of American Law Schools for the purpose of (1) ascertaining the demand for legal education through 1985, and (2) ascertaining the needs of society for lawyers through 1985. My own efforts were directed primarily towards the "demands" aspect and particularly the data accumulation phase, over which I had complete charge. In addition, I issued a number of interim reports and published several newsletters.

E. PUBLICATIONS

The Use of Litigation Screenings in Mass Torts: A Formula for Fraud?, 61 SMU L. Rev. ____ (forthcoming 2008), accessible at <http://ssrn.com/abstract=1217620>.

Disparities Between Asbestosis and Silicosis Claims Generated By Litigation Screenings and Clinical Studies, 29 Cardozo L. Rev. 513 (2007), accessible at www.ssrn.com/abstract=970993.

On The Applicability of the Silica MDL Proceeding To Asbestos Litigation, 12 Conn. Ins. L.J. 35-10 (2006). Accessible at: www.ssrn.com/abstract=916534. **Cited In:** 12 Conn. Ins. L.J. 349 at 421, 439 (2005-2006); 2 ENVTL. INS. LIT. L. & PRAC. § 27:1 at n. 3 (2006); 30 Am. J. Trial Advoc. 295 at 299 (2006); 6-7 MEALEY'S ASB. BANKR. REP. 20 (2007); 85 Tex. L. Rev. 1465 at n.157 (2007); 59 Stan. L. Rev. 1671 at 1683, 1709 (2007); 6-12 Mealey's Asb. Bankr. Rep. at 22 n. 14 (July 2007); 17 J. Bankr. L. & Prac. 2 Art. 3 at n. 129 (2008).

An Analysis of the Financial Impact of S.852: The Fairness In Asbestos Injury Resolution Act of 2005, 27 Cardozo L. Rev. 991-1033 (2005). Accessible at: www.ssrn.com/abstract=796884. **Cited In:** 12 Conn. Ins. L.J. 517 at 543 (2005-2006); 19 Geo J. Legal Ethics 741 at 755 (2006); 62 NYU Ann. Surv. Am. L. 271 at 282-83 (2006); 62 NYU Ann. Surv. Am. L. 223 at 240, 258 (2006); 85 Tex. L. Rev. 1465 at n.160 (2007); 2008 U. Ill. L. Rev. 1101, at 1102, 1106-1110, 1112, 1120-1121 (2008).

Ethical Issues In Asbestos Litigation, 33 Hofstra L. Rev. 833-912 (2005). Accessible at: www.ssrn.com/abstract=754188. **Cited In:** 3 Toxic Torts Lit. Guide § 33:18 (2005); 4-3 MEALEY'S LITIG. REP. SILICA 12 (Nov. 2005); 20-19 MEALEY'S LITIG. REP. ASB. 15 (Nov. 2005); 20-22 MEALEY'S LITIG. REP. ASB. 24 (Dec. 2005); 12 Conn. Ins. L.J. 477 at 477 (2005-2006); 31 Un. Dayton L. Rev. 173 at 189 (2006); 4-8 MEALEY'S LITIG. REP. SILICA 13 (April 2006); 21-7 MEALEY'S LITIG. REP. ASB. 27 (May 3, 2006); 19 Geo J. Legal Ethics 741 at 754 (2006); 62 NYU Ann. Surv. Am. L. 271 at 286, 289, 292, 326-27 (2006); 62 NYU Ann. Surv. Am. L. 223 at 224, 250, 263 (2006); 7 Nev. L.J. 73 at 76 (2006); 30 Am. J. Trial Advoc. 295 at 297 (2006); 79 Temp. L. Rev. 773 at 775, 787 (2006); 13 Clinic. L. Rev. 659 at 705 (2007); 48 Wm. & Mary L. Rev. 2043 at 2046 (2007); 75 Fordham L. Rev. 855 at 2858 (2007); 85 Tex. L. Rev. 1495 at n.157 (2007); 60 Ark. L. Rev. 437 at 455 (2007); 93 Va. L. Rev. 1389 at 1431 (2007); 9 NORTON BANKR. L. R. PRAC. 3d §179:21 (2008); 106 Mich. L. Rev. 1213 at 1214, 1227 (2008); 17 J. Bankr. L. & Prac. 2 Art. 3 at n. 90 (2008); 83 N.Y.U. L. Rev. 501 at 521, 529 (2008); 16 J.L. & Pol'y 589 at 597 (2008); 106 Mich. L. Rev. 1213 at 1214 (2008).

On The Theory Class's Theories Of Asbestos Litigation: The Disconnect Between Scholarship And Reality, 31 Pepperdine Law Review 33-170 (2004). Accessible at: www.ssrn.com/abstract=490682.

Cited In: Report of the U.S. Senate Committee of the Judiciary on S.1125 (Statement of Senator Jon Kyl); 12 Am. Bankr. Inst. L. Rev. 441, at 468 (2004); 28 Am. J. Trial Adv. 295 at 310 (2004); 3-7 MEALEY'S ASB. BANKR. REP. 20 (Feb. 2004); 20-2 MEALEY'S LITIG. REP. ASB. 33 (Feb. 2005); 45 Santa Clara L. Rev. 1, at 6 (2005); 2-9 MEALEY'S TORT REF. UPDATE 16 (Apr. 2005); 20-6 MEALEY'S LITIG. REP. ASB. 17 (Apr. 2005); 3-8 MEALEY'S LITIG. REP. SILICA 11 (Apr. 2005); 3-9 MEALEY'S LITIG. REP. SILICA 11 (May 2005); 20-9 MEALEY'S LITIG. REP. ASB. 26 (June 2005); 4-3 MEALEY'S LITIG. REP. SILICA 12 (Nov. 2005); 20-19 MEALEY'S LITIG. REP. ASB. 15 (Nov. 2005); 14 J. Bankr. L. & Prac. 1 at fns 7 and 241 (2005); 20-22 MEALEY'S LITIG. REP. ASB. 24 (Dec. 2005); 72 Def. Couns. J. 241, at 242 (2005); 20-5 MEALEY'S LITIG. REP. INS. 10 (Dec. 2005); 16-15 MEALEY'S LITIG. REP. REINSURANCE 10 (Dec. 2005); 12 Conn. Ins. L.J. 477 at 480 (2005-2006); 37 St. Mary's L.J. 283 at 290 (2006); 31 Un. Dayton L. Rev. 173 at 189 (2006); 24 Miss. C.L. Rev. 285 at 296 (2006); 20-23 MEALEY'S LITIG. REP. ASB. 19 (January 10, 2006); 3-6 MEALEY'S TORT REF. UPDATE 12 (Jan. 2006); 21-1 MEALEY'S LITIG. REP. ASB. 20 (February 1, 2006); 4-8 MEALEY'S LITIG. REP. SILICA 13 (April 2006); 21-7 MEALEY'S LITIG. REP. ASB. 27 (May 3, 2006); 62 NYU Ann. Surv. Am. L. 271 at 283 (2006); 62 NYU Surv. Am. L. 223 at 225, 229, 230, 235, 249, 252 (2006); 58 Admin. L. Rev. 269 at 336, 343-44, 346-48 (2006); 2 ENVTL. INS. LIT. L. & PRAC. § 27-1 at n. 2, § 27-7

at 492-93 (2006); 30 Ann. J. Trial Advoc. 295 at 311 (2006); 95 Geo. L.J. 693 at 730 (2007); 48 Wm. & Mary L. Rev. 2043 at 2052, 2063 (2007); 62 NYU Ann. Surv. Am. L. 525 at 529, 531, 542, 548 (2007); 75 Fordham L. Rev. 2855 at 2858 (2007); 59 Stan. L. Rev. 1671 at 1683, 1709, 1730 (2007); 26 Miss. C. L. Rev. 253 at 268, nn. 13, 82, 87, 122 (2006-2007); 2008 U. Ill. L. Rev. 1101, at 1103 – 1110, 1112 (2008); 12 Tex. Rev. L. & Pol. 477 at 478, 516 (2008); 16 J.L. & Pol'y 589 at 597 (2008).

The Market For Contingent Fee-Financed Tort Litigation: Is It Price Competitive?, 25 Cardozo Law Rev. 65-128 (2003). Accessible at: www.ssrn.com/abstract=463226. **Cited In:**

Law Reviews, Bar Ass'n Opinions and Others: 28 J. Legal Prof. 283, at 285 (2003-04); 39 Tort Trial & Ins. Prac. L.J. 869, at 874 (2004); 36 Ariz. St. L.J. 551, at 580 (2004); 28 J. Legal Prof. 283, at 285 (2004); 30 Am. J.L. & Med. 69, at 72 (2004); 58 Consumer Fin. L.Q. 347, at 348 (2004); 54 Duke L.J. 447, at 467 (2004); 70 Mo. L. Rev. 307 at 326 (2005); 2004 Wis. L. Rev. 1161, at 1232 (2004); 39 Val. L. Rev. 27, at 46 (2004); 57 Vand. L. Rev. 1571, at 1598 (2004); 114 Yale L. J. 697, at 738-39 (2005); 8 The Green Bag 2d 377, at 377-380 (2005); 67 U. Pitt. L. Rev. 1 at 57 (2005); 27 Cardozo L. Rev. 2433 at 2434 (2006); 8 Am. L. & Econ. Rev. 20, at 31 (2006); 91 Minn. L. Rev. 265 at 275 (2006), 155 U. Pa. L. Rev. 503 at 516 (2006); 56 DePaul L. Rev. 293 at 305 (2007); 56 DePaul L. Rev. 261 at 290 (2007).

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F. Short-Length Publications

A Response to Stephanie Mencimer (April 2007). A response to Stephanie Mencimers' remarks about Professor Brickman in BLOCKING THE COURTHOUSE DOOR.

A Response to Bryan O. Blevins, Jr., Provost Umphrey, LLP (Dec. 2006). A response to the presentation of Bryan O. Blevins, Jr. at the AEI-Brookings First Annual Judicial Symposium on Civil Justice Issues, December 7, 2006.

Comments' on NIOSH's Proposed B Reader Code of Ethics, submitted on December 22, 2005. Accessible at: www.ssrn.com/abstract=871965. **Cited In:** 20-24 MEALEY'S LITIG. REP. ASB. 4 (January 24, 2006); 4-5 MEALEY'S LITIG. REP. SILICA 9 (Jan. 2006); 58 Admin. L. Rev. 269 at 351-52 (2006).

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I have authored several issues of the Newsletter of the Council on Legal Education for Professional Responsibility including: no. 2 (Nov. 1969), no. 6 (Jan. 1970), no. 9 (April, 1970) and no. 11 (May, 1970) of vol. 1; no. 3 (Nov. 1970) and no. 4 (Jan. 1971) of vol. 3; no. 1 (July, 1971) of vol. 4; no. 8 (Nov. 1974) of vol. 7; and no. 3 (Feb. 1978) of vol. 10. In addition, I authored the following newsletters of the Council that are of "short article" length:

Clinical Education--Polemics and Pragmatics, v. 3, no. 5 (Feb. 1971); **Cited In:** 30 J. Legal Ed. 57 (1979);

Report on Paraprofessional Workshops, v. 4, no. 10 (March, 1972);

CLEPR Conference on Clinical Teaching, v. 5, no. 2 (July, 1972);

Clinical Work in the First and Second Year of Law School, v. 6, no. 7 (Dec. 1973);

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Is Law School a Full Time Enterprise?, v. 10, no. 6 (May 1978);

Highlights of Conference on Title XI, no. 10, no. 7 (May 1978).

In 1966-67, as Deputy Director of the AALS-funded Student Wave Survey, I published several newsletters which listed and commented on the interim results of the Survey. In 1967-69, I published a quarterly journal titled Law & Poverty which was a commentary on local socio-legal issues.

G. **Amicus Briefs**

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H. **Op-Eds**

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"Contingency-Fee Con-Men," Wall Street Journal, Sept. 25, 2007 at A18. **Cited In:** SN029 ALI-ABA CLE 841 at *28 (November 2007 – December 2007); Business Law Today, May/June 2008 at 30.

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I. **National and Professional Press**

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20, 2000 ("Morning Edition"), July 6, 1999 ("All Things Considered"), June 25, 1997, TR97062502-210, May 21, 1996, Tr.#1872-10, Aug. 6, 1995, TR1135-3; **National Review**, Aug. 29, 2005 at 34, June 14, 2004 at 26, June 22, 1998 at 28, Feb. 24, 1997 at 38; New Jersey Law Journal, Feb. 13, 2006 at 1, Oct. 24, 2005 at 17, May 19, 2003, March 23, 1998 at, Aug. 4, 1997 at 4, June 30, 1997 at 6, Jan. 29, 1996 at 29, Dec. 30, 1995 at 5, May 2, 1994 at 15; **Newsweek**, July 20, 1998 at 53, Nov. 13, 1995 at 75; New York Daily News, Jan. 16, 2005 at 6, July 10, 2000 at 28; New York Law Journal, March 6, 2006 at 23, May 5, 2005 at 1, Sept. 13, 2004 at 3, May 7, 2003 at 1, Jan. 17, 2002 at 1, Dec. 3, 2001 at 1, May 24, 2001 at 5, May 19, 2000 at 8, May 15, 2000 at 1, July 6, 1999 at 1, April 15, 1999 at 5, Feb. 2, 1999 at 8, Dec. 28, 1998 at A4, Dec. 11, 1998 at 1, Nov. 30 1998 at 1, June 1, 1998 at 2, July 17, 1997 at 5, Oct. 10, 1996 at 5, June 12, 1996 at 3, June 4, 1996 at 1, Jan. 4, 1996 at 5, Oct. 5, 1995 at 5, Aug. 7, 1995 at 2, June 15, 1995 at 5, Feb. 23, 1995 at 5, Jan. 26, 1995 at 5, Sept. 22, 1994 at 5, June 27, 1994 at 2, April 28, 1994 at 5, March 21, 1994 at 1, Feb. 7, 1994 at 1; **New York Post**, Feb. 4, 2003 at, Oct. 13, 2002 at ; New York Sun, Dec. 7, 2006 at 1, Aug. 8, 2006 at 9, May 31, 2006 at 1, Feb. 24, 2006 at 1, Feb. 8, 2006 at 5, Jan. 18, 2005 at 7; **New York Times**, March 30, 2008 at A23, August 27, 2007 at A10, Feb. 2, 2005 at C1, Jan. 7, 2005 (Nat'l Ed.), Nov. 26, 2004 at A 29, Aug. 28, 2004 at A8, May 18, 2004 at C1, C6, July 4, 2003 at A16, May 26, 2003 at A10, March 19, 2003 at C11, March 27, 2003 at C1, Dec. 31, 2002 at C1, Dec. 15, 2002 at B4, Nov. 7, 2002 at C1, Nov. 3, 2002 at § 3, p. 1, Aug. 20, 2002 at A2, Aug. 15, 2002 at A14, April 13, 2002 at C1, C14, April 10, 2002 at A1, Aug. 8, 2001 at A12, Sep. 3, 2000 at §3, p. 12, Feb. 14, 1999 at WK5, July 28, 1998 at A1, June 17, 1998 at 1, Dec. 11, 1997 at A19, Oct. 24, 1997 at B1, Oct. 11, 1997, at A8, Sept. 11, 1997 at A27, July 10, 1997 at D2, Nov. 7, 1996 at D1, May 2, 1996 at D2, Feb. 22, 1996 at D2, Jan. 25, 1996 at D2, March 24, 1995 at B6, March 23, 1995 at D2, May 6, 1994 at B18, March 18, 1994 at A22, Feb. 25, 1994 at A28, Feb. 11, 1994 at 1A, Mar. 2, 1993 at B5, Oct. 6, 1989 at B35; **New Zealand Herald**, Nov. 26, 2004 at B3; PBS, Nov. 25, 2005 ("Journal Report"); **Philadelphia Inquirer**, Jan. 8, 2005 at A12, March 31, 1999 at ; Reuters News, March 8, 2005 (4:29 p.m.), Feb. 2, 2005; Rocky Mtn News, Feb. 3, 2006 at 37A, June 10, 2005 at 42A, June 12, 1998 at 42A, June 10, 1998 at 43A, Jan. 29, 1995 at 66A; **Roll Call**, Sept. 26, 1994 (Sen. Mitch McConnell, 'Incremental' Health Reform Must Include Changes to Liability System); **St. Louis Post-Dispatch**, Jan. 26, 2005 at A1, Jan. 8, 2005 at 20, Dec. 12, 2004 at B1, Dec. 6, 2004 at B1, Oct. 18, 2004 at B1, Sept. 10, 2004 at B2, June 23, 2004, Feb. 22, 2004 at C1, Jan. 14, 2004 at B1, April 6, 2003 at E1, Sep. 10, 2000 at C1, July 6, 1998 at A9; **San Diego Union-Trib.**, Sept. 24, 2003 at C1, June 12, 1998 at A8, Dec. 15, 1997 at B6, March 17, 1996 at A3, Oct. 17, 1993 at G-1; **San Francisco Chronicle**, June 17, 1998 at A1; **Seattle Times**, Nov. 25, 2004 at A10, June 23, 2004 at D1, Sept. 24, 2003 at E1, Dec. 11, 1997 at A8, Dec. 19, 1996, Apr. 17, 1995, July 28, 1992 at A3; **Smart Money**, Oct. 1992, p.89; **Suddeutsche Zeitung** (Germany), June 14, 2004 at 19; **Star Tribune** (Minneapolis), Feb. 14, 1999 at 11A; **Taipei Times**, April 14, 2002 at 11; **Texas Lawyer**, July 10, 2006 at 7, July 11, 2005 at 1, March 16, 1998 at 37, Feb. 5, 1996 at 29, Feb. 13, 1995 at 1; **UPI**, Jan. 7, 2005 (5:04 PM EST); **USA Today**, March 8, 2004 at 1A, Dec. 11 1997 at 6A, Dec. 9, 1997 at 14A, Jan. 18, 1996 at 10A, Aug. 9, 1995 at 9A, July 10, 1995 at 11A; **U.S. News & World Report**, Nov. 1, 1999 at 36, Jan. 30, 1995 at 51, 56; **Wall St. Journal**, Apr. 24, 2006 at B1, Feb. 23, 2006 at A8, Feb. 14, 2006 at A22, July 19, 1999 at A15, June 22, 1998 at B7C, June 3, 1998 at A18, March 19, 1998 at A18, Jan. 28, 1998 at B1, Dec. 11, 1997 at A6, Oct. 7, 1997 at A23, Feb. 12, 1997 at B9, March 20, 1996 at A15, Jan. 15, 1996 at B5, Nov. 20, 1995 at B14, Jan. 24, 1995 at A22, July 29, 1994 at B8, March 18, 1994 at B10, Feb. 17, 1994 at A1, Oct. 13, 1993 at B5, Oct. 12, 1993 at B1, Mar. 19, 1993 at B12, Jan. 29, 1993 at B9, Nov. 14, 1990 at A17; **Washington Post**, Jan. 28, 2008 at D1, July 25, 2005 at D1, Jan. 8, 2005 at A4, Aug. 12, 2002, at E1, Aug. 11, 2002 at A4, Apr. 8, 2002 at E1, May 13, 1999 at A21, June 3, 1998 at A23, Dec. 11, 1997 at A6, June 23, 1996 at A10; April 8, 2008 at D01; **Washington Times**, Aug. 8, 2005 at A18, May 13, 1999 at A21, Dec. 12, 1998 at A1, July 20, 1998 at 30, June 7, 1998 at A1, May 28, 1996 at A13; **The Weekly Standard**, Sept. 23, 1996 at 21, Sept. 18, 1995 at 49; **WNBC** (N.Y.) News, June 29, 2001.

J. Popular Press - Other

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