

KEITH R. FISHER

PROFILE

- Education:
 - J.D. Georgetown University, *cum laude*
 - A.B. Princeton University, *cum laude*
 - Juilliard School of Music (piano and music theory)
- Law Teaching: Contracts, Constitutional Law, full range of business, banking, and commercial law subjects, Ethics/Professional Responsibility.
- Comprehensive law practice experience in banking regulation, corporate finance, mergers & acquisitions, anti-money laundering, anti-corruption, and anti-terrorism programs, domestic and international business transactions, payment systems, strategic planning, legislative consulting and drafting, cutting edge legal and judicial ethics issues, as well as “bet the company” litigation and U.S. Supreme Court practice.
- Domestic and international consulting on judicial education, legal and judicial ethics, and regulation of the practice of law. Formerly counsel to U.S. Conference of Chief Justices on professionalism issues and amicus briefs in federal appellate matters, as well as counsel to the State Chief Justice members of the Federal-State Jurisdiction Committee of the Judicial Conference of the United States.
- Languages: Fluent in French and Italian, proficient in German, Spanish, and Greek, smattering of Portuguese and Japanese.

EMPLOYMENT EXPERIENCE

Current Employment

Distinguished Fellow and Director, Institute for Ethics & Professionalism, National Judicial College, Reno, NV, Manomet, MA, and Arlington, VA. August 2021 – present. Recruited to become the first Distinguished Fellow at the National Judicial College. Develop curricula, train faculty, and provide education to judges and lawyers, both in the United States and overseas, on a variety of topics, including judicial ethics; legal ethics; business and commercial courts; environmental law and climate change litigation; artificial intelligence; anti-corruption, anti-trafficking and related issues; advanced appellate skills for judges; sexual harassment and discrimination; international law; and remediation conduct training for judges subject to disciplinary orders.

Prior Employment (by category)

Law Practice:

Principal Consultant & Senior Counsel for Domestic & International Court Initiatives, National Center for State Courts, Arlington, VA. 2015–2021.

Counseling courts and judges, both domestic and foreign, as well as international organizations on a variety of issues regarding judicial conduct, legal ethics, anti-money laundering, anti-terrorism, and anti-corruption initiatives, access to justice issues (including reform for fines, fees, and bail practices), counseling on organization and management of business and commercial courts, judicial ethics lecturing and training (both U.S. and foreign judges), federalism issues, regulating the practice of law (including regulation of foreign lawyers seeking to practice in the United States), and providing advice and counsel to various committees and projects of the Conference of Chief Justices (including preparing briefs *amicus curiae* in the U.S. Supreme Court and federal circuit courts).

Ballard Spahr, LLP, Washington, D.C., 2011-2015. Counseling, transactional work, and litigation on a wide range of corporate bank regulatory and consumer financial regulatory issues, M&A transactions, internal corporate investigations, appellate advocacy (including Supreme Court practice), and commercial transactions.

Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., Boston, Massachusetts and Washington, D.C. 1990-1993. Bank regulatory and legislative practice concentrating on financial services reform.

Hogan & Hartson, Washington, D.C. 1984-1990. Banking, commercial transactions, and appellate litigation (including Supreme Court practice).

Fulbright & Jaworski, Washington, D.C. and Houston, Texas. 1981-1984. Banking regulation, tax, litigation, national security law, and international commercial arbitration.

Law Clerk to Hon. Herbert F. Murray, United States District Court, District of Maryland, 1980-1981.

Summer Associate, Milbank, Tweed, Hadley & McCloy, New York, New York, 1979.

Law Teaching, Consulting, and Special Projects:

Distinguished Fellow and Director, Institute for Ethics & Professionalism, National Judicial College (*see p.1, above, for details*). 2021-present.

Principal Consultant & Senior Counsel for Domestic & International Court Initiatives, National Center for State Courts (*see also p.1, above, for law practice details*). 2015-2021. Involved consulting with U.S. and foreign judiciaries on a broad array of topics, including U.S. and international judicial ethics, anti-money laundering, anti-terrorism, and anti-corruption initiatives, and regulation of the practice of law.

Professor of Law (*see p. 4, below for details*). 1998-2010.

Reporter, American Bar Association 20/20 Ethics Commission. Chicago, Illinois. 2009-2010. Initial Reporter.

Consultant and Leading Role in Franco-Swiss Docudrama, *Cleveland vs. Wall Street*, selected for 2010 Cannes Film Festival. Chicago, Illinois; Cleveland, Ohio; and Paris and Cannes, France 2009-2010 (film selected for

Quinzaine des Réalisateurs, Cannes Film Festival, nominated for a César and Winner, Swiss Oscar for Best Documentary).

Consultant, ABA Standing Committee on Judicial Independence & Reporter, Judicial Disqualification Project. Chicago, Illinois. 2009-2011.

Consultant, Bellows & Bellows, P.C., Chicago, Illinois. Advise on Sarbanes-Oxley Act, civil RICO, employment law, and miscellaneous litigation and appellate issues. February – September, 2010.

Special Assistant Attorney General, State of Maryland. Fall 2006. Special appointment by Maryland Attorney General to write brief *amicus curiae* on behalf of Hon. Charles Turnbaugh, Maryland Commissioner of Financial Regulation, in *Watters v. Wachovia Bank et al.*, No. 05-1342 (U.S. Sup. Ct.).

Financial Institutions Strategic & Regulatory Consulting, Washington, D.C. 1993-1998. Strategic planning and legislative counseling for diversified financial services firms; mergers and acquisitions involving financial institutions and their holding companies; expert witness services on legal ethics in professional liability litigation; commercial contract litigation.

SUMMARY OF PROFESSIONAL EXPERIENCE

Law Practice: *Professional Ethics Consulting*

Ethics Training for Judges and Lawyers
International anti-corruption training
International Judicial Ethics Presentations
Judicial Bioethics consulting
Regulation of foreign lawyers and the international practice of law
Remediation training for judges subject to disciplinary orders

Corporate, Securities, and Financial Regulatory Practice

- chartering and charter conversions for financial institutions;
- mergers and acquisitions (including defense against hostile takeovers);
- corporation finance;
- broad array of financial regulatory (banking and SEC) transactional and compliance issues (including those arising under the Garn- St Germain, CEBA, FIRREA, FDICIA, Riegle-Neal, Gramm-Leach-Bliley, USA PATRIOT Act, and Dodd-Frank);
- anti-money laundering/anti-terrorism/OFAC practice;
- cybersecurity issues;
- lending limits, insider lending, affiliate transaction restrictions;
- commercial loan transactions, loan workouts, and lender liability;
- banking and SEC enforcement proceedings;
- conducting internal corporate investigations;
- U.S. activities of foreign banking organizations;
- foreign activities of U.S. banking organizations;
- drafting legislation and congressional testimony of industry leaders;
- securities and insurance activities of banks and holding company affiliates;
- strategic planning and legislative counseling for domestic and international securities firms (including advice on European Community regulation of financial services and EU merger controls);

- regulatory compliance with Community Reinvestment Act, equal credit opportunity, fair lending, Truth in Lending, fair debt collection, remittance transfers, and other consumer regulatory regimes;
- representation of foreign investors seeking to acquire control of U.S. financial institutions;
- preparation of comments in agency rulemaking proceedings; and
- diverse litigation

Expert witness services:

- legal ethics
- judicial ethics
- financial services regulation

Appellate practice, including Supreme Court work with E. Barrett Prettyman, Jr. and (now Chief Justice) John Roberts, and counsel to the Amicus Committee of the Conference of Chief Justices

Pro Bono:

National Center for State Courts (Kosovo project); Conference of Chief Justices (judicial disqualification); International Human Rights Law Group (various); Lawyers' Committee for Civil Rights (various); an 8-year federal habeas corpus litigation, and diverse Criminal Justice Act appointments.

Teaching:

Various Judicial Conferences for State trial and appellate judges, as well as U.S. Department of Justice Training for Immigration Judges. (2015- present)

United Nations, Global Judicial Integrity Network, Vienna, Austria November 2017).

University of New Hampshire, Franklin Pierce Law Center, Concord, New Hampshire. Visiting Professor of Law, 2008-2009.

Northeastern University School of Law, Boston, Massachusetts. Visiting Professor of Law, 2007-2008.

Michigan State University College of Law, East Lansing, Michigan. Associate Director (later Acting Director), Institute for Trade in the Americas, and Professor of Law. 2005-2007.

Suffolk University Law School, Boston, Massachusetts. Associate Professor of Law. 1998-2005.

Duke University School of Law, Durham, North Carolina. Visiting Professor, 1995-1996.

Georgetown University Law Center, Washington, D.C. Adjunct Professor, 1993-1998.

SELECTED HONORS, DISTINCTIONS, PRIZES, AND AWARDS

- Appointed by ABA President Paulette Brown to ABA Standing Committee on Ethics & Professional Responsibility.
- Honorarium and Selection of article for Centennial of 1908 ABA Canons of Professional Ethics, ABA Center for Professional Responsibility.
- Prizewinner, Peterson Prize National Writing Competition, for article on national bank preemption of state consumer protection laws.

- Honorarium and Selection for International Criminal Law Symposium for article on asset forfeiture and anti-money laundering.
- Finalist, Maryland Postal Chess Championship.
- First Place, Amateur Section, New York Open Chess Tournament.
- Best Advocate (tied), William E. Leahy Appellate Advocacy Competition: Oral Argument before Hon. William H. Rehnquist, Hon. Patricia Wald; Hon. Charles Renfrew; and Hon. Stanley S. Harris.
- Jessup International Law Moot Court team, 1st Place Team worldwide.
- Lawyers Cooperative Publishing Co. Book Award - Constitutional Law.
- First Place in New York Amateur Chess Tournament.
- Nominated by Princeton for Rhodes Scholar Competition and was a Finalist.
- Prizewinner, N.Y. Classical Club, Latin Translation at Sight, Vergil section.
- Finalist, 24th U.S. Postal Chess Championship.
- Leading Role in film, *Cleveland vs. Wall Street*, selected for the Cannes Film Festival (2010).
- Sovereign Military Order of the Temple of Jerusalem, Priory of St. David: Knighted by HRH Princess Elisabeth of Ysenburg and Büdingen.

BAR ADMISSIONS

- Supreme Court of the United States
- United States Courts of Appeals (2d, 4th, 6th, and D.C. Circuits)
- United States District Courts (D. Md., D.D.C.)
- District of Columbia Court of Appeals

K E I T H R . F I S H E R

APPENDIX A: PROFESSIONAL ACTIVITIES

American Bar Association: Member, Administrative Law, International Law, and Business Law Sections, and Center for Professional Responsibility (1981- present). Frequent speaker at A.B.A. programs.

Standing Committee on Ethics & Professional Responsibility (appointed by ABA President Paulette Brown). 2015 – 2018

Standing Committee on Judicial Independence (later Standing Committee on the American Judicial System, Subcommittee on State Courts): Business Law Section Liaison. 2007- 2014.

Standing Committee on Federal Judicial Improvements (later Standing Committee on the American Judicial System, Subcommittee on Federal Courts): Academic Advisory Board (appointed by Judge M. Margaret McKeown, U.S. Court of Appeals, 9th Circuit). 2008 – 2014.

Standing Committee on International Trade in Legal Services: Liaison from Conference of Chief Justices, 2017 - 2021

Business Law Section:

- Chair, International Coordinating Committee, 2021-2024; Chair, Subcommittee on Content 2018-2021
- Member, Banking Law Committee 1984-;
 - *Chair, Subcommittee* on Regulatory Enforcement and Director and Officer Liability, 1990-1997
 - *Chair*, Subcommittee on Teaching Banking Law, 2004-2008 (Vice-Chair, 2000-2004).
 - *Chair*, Subcommittee on International Banking Law, 2011-2014.
 - *Chair*, Administrative Subcommittee on Banking Law Education Outreach, 2012-2016.
- Committee on Professional Responsibility, 1992-
 - *Chair*, September 2014 – September 2017.
 - *Subcommittee Chair*, Law of Lawyering Initiative, 2013-2014
- *Chair*, Task Force on the Liability of Counsel for Depository Institutions, 1990-1995.
- Producer, Business Law Basics and In the Know webinars on Professional Responsibility and Legal Opinions 2019-
- Executive Editor, Legal Opinions and Ethics, *Business Law Today* 2017-
- Section Representative, A.B.A. Working Group on Lawyers' Representation of Regulated Clients, 1991-1993
- Section Liaison to Standing Committees (details above)
- Section Liaison to A.B.A. Task Force on Cross-Border Searches
- Member, Ad Hoc Committee on Amending the Administrative Procedure Act;
- Member, Committee on Developments in Investment Services, 1986-1991;

- Member, Ad Hoc Committee re: Revision of the Administrative Procedure Act;

Section on International Law:

Member, Committee on International Courts and Judicial Affairs, 2015 -
○ Vice-Chair, 2018 –2020

Member, Anti-Money Laundering Committee, 2011 –
○ Vice-Chair, 2023

Montana Legislative Audit Division, Audit of Montana Judicial Standards Commission: Consulting expert (2023 -)

Commission to Study the Rules Governing Judicial Discipline and the Nevada Code of Conduct: Consulting expert (2022-2023).

Federal Bar Association: Member, Executive Council of Banking Law Section (2011-2014); Lecturer on Financial Institutions Regulation (1987-1993).

D.C. Bar: Corporation Finance & Securities Law Section -- Co-Chair, Financial Institutions Committee. 2014 – 2016.

International Bar Association: Special Adviser, International Trade in Legal Services Committee (2019 -).

Association of Professional Responsibility Lawyers: Representative of Conference of Chief Justices to Committee on the Future of the Legal Profession (2019 -)

The Exchequer Club of Washington, D.C. (2013 - 2018).

United Nations Office on Drugs and Crime (UNODC): Doha Declaration, Global Judicial Integrity Network: Work on revision of the Bangalore Principles of Judicial Conduct (2018 –).

UNESCO: Member of Editorial Board for Book Series on Bioethics for Judges (2016 –)

American Inns of Court Foundation: Charter member.

Michigan State University American Inn of Court, East Lansing, Michigan. Master, 2006-2007.

Suffolk University American Inn of Court, Boston, MA: Master, 2002-2005.

Federal American Inn of Court, Washington, D.C.: Master, 1994-1998.

Charles Fahy American Inn of Court, Washington, D.C.: Barrister, 1984-87.

The Barristers: Member of Washington-based society of litigators and judges.(1987-1998)

Speaking Engagements & Presentations:

Artificial Intelligence for All Judges and Lawyers, Pittsburgh, Pennsylvania (December 2-5, 2024). Presentations on Introducing the World of AI; AI and Legal Research; AI and Legal Ethics; International Legal Developments Regarding AI; and AI and Judicial Ethics.

Advanced Skills for Appellate Judges, Boston, MA (November 11-14, 2024) Presentations on Civility and Professionalism; Developments in Judicial Deference to Agency Decisions; Advanced Statutory Construction; Judges' Personal Use of Social Media; and Independent Factual Investigations.

Ethics for Judges, Las Vegas, Nevada (October 11, 2024) Full-day training for judges from various jurisdictions on assorted topics in judicial ethics.

Judicial College of Greece, Thessaloniki, Greece (September 16, 2024) Presentation on social media and international judicial ethics.

Centro de Estudos Judiciários, Lisbon, Portugal (September 9-12, 2024) Presentations on Comparative Constitutional Law; Comparative Approaches to Judicial Review and Judicial Ethics, and concert performance at the Palacio da Ajuda (music of Copland, Scriabin, Frangos, and Beethoven).

Commonwealth of Pennsylvania, Appellate Judges Conference, Bedford Springs, Pennsylvania (June 11-13, 2024) Presentation on ethical obligations of adjudicating election disputes and on ethical rules governing judicial election campaigns.

Ethics Training for the South Dakota Judiciary, Sioux Falls, South Dakota (May 2, 2024) Judicial ethics overview and focused presentations on disqualification and pitfalls of social media.

National Judicial College, Judicial Ethics and Elections Webinar, (February 26, 2024)

Commonwealth of Pennsylvania, Online Ethics Training for Pennsylvania Trial Judges (December 14, 2023).

Training for Sri Lanka Judiciary on international and U.S. anti-corruption and anti-money laundering regimes (December 6, 2023) (Online).

Ethics Training for California Tax Appeal Judges, Sacramento, California (November 29-30, 2023). Comprehensive 2-day training on pertinent judicial ethics topics for administrative judges.

Advanced Skills for Appellate Judges, Washington, D.C. (Oct. 30-Nov. 2, 2023). Presentations on advanced statutory interpretation, independent factual investigations, and the judicial ethics of social media use.

Council of State & University of Athens Faculty of Law, Athens Greece (Sept. 4-7, 2023). Presentations on comparative constitutional law, comparative judicial ethics and concert performance (piano) at the Athens Conservatoire (music of Haydn, Ravel, Rachmaninoff, Chopin, Scriabin, Constantines & Debussy).

Virgin Islands Judicial Conference, St. Croix, USVI (June 20-21, 2023). Presentation on judicial disqualification and recusal and ethical aspects of judges' use of social media.

Commonwealth of Pennsylvania, Appellate Judges Conference, Bedford Springs, Pennsylvania (June 13-15, 2023): Presentation on judicial ethics.

Commonwealth of Pennsylvania, Online Judges Conference (December 8, 2022): Presentation on judicial disqualification and recusal.

FMCSA National Conference, Baltimore, Maryland (Nov. 29-Dec. 1, 2022): Presentation on dealing with self-represented litigants.

Appellate Judges Education Institute, 2022 Summit, Scottsdale, Arizona (Nov. 10-13, 2022): Program Administrator for entire conference on speaker on Bias, Discrimination, and Harassment: Rules for Lawyers and Judges.

Anti-Racist Courtroom: Theory and Practice, Memphis, Tennessee (Oct. 31-Nov. 3, 2022): Constitutional issues relating to bail/pretrial release as well as incarceration for nonpayment of fines, fees, and other court-related financial obligations.

Montana Judges Association, Helena, MT (October 5-7, 2022): Judicial ethics training, focusing on rules governing interbranch relations.

Commonwealth of Pennsylvania, Appellate Judges Conference, Bedford Springs, Pennsylvania (June 14-16, 2022): Presentation on judicial ethics.

National Judicial College/State Justice Institute (April 19, 20, 26, 27, 2022): Judicial ethics webinars on Racial Justice, Dealing with Self-Represented Litigants, Sexual Harassment and Discrimination, and Abuse of the Prestige of Judicial Office.

Idaho District Judges Conference, Boise, Idaho (May 2-4, 2022): Judicial ethics training.

Idaho Magistrates Conference, Coeur d'Alene, Idaho (April 4-6, 2022): Judicial ethics training.

Washington Appellate Judges Conference, Walla Walla, Washington (Online due to COVID-19, March 22, 2022): Ethics presentation on independent factual investigation.

Tennessee Judicial Conference, Pickwick Landing State Park, Counce, Tennessee (March 9, 2022): Presentation on judicial ethics and sexual harassment and discrimination.

Commonwealth of Pennsylvania, Online Judges Conference (December 7 and 14, 2021): Two-part presentation on social media and judicial ethics.

Commonwealth of Pennsylvania, Appellate Judges Conference, Bedford Springs, Pennsylvania (June 14-16, 2021): Presentation on judicial ethics.

New Hampshire Judiciary, Online Judicial Ethics Training (May 13 & 20, 2021) (online presentation during COVID-19 pandemic)

Commonwealth of Pennsylvania, Online Ethics Training for the Judiciary (May 6, 2021) (online presentation during COVID-19 pandemic)

National Association of Presiding Judges and Court Executive Officers (NAPCO) Judicial Ethics Training (April 22, 2021, upcoming) (online presentation during COVID-19 pandemic).

New York State Judicial Institute: Online Ethics Training for the Judiciary (March 17, 2021) (online presentation during COVID-19 pandemic).

Suriname Judiciary and Prosecutors: Online Training on Anti-Corruption Treaties and Laws (January 26-28, 2021) (online presentation during COVID-19 pandemic).

CourtClass: Ability to Pay Hearings: A Primer for Judicial Officers (online tutorial, with Hon. Edward Spillane, November 2020), available at <https://vimeo.com/480765521>

CourtClass: Marches and Demonstrations: Ethics considerations for Judges and Non-Judge Employees of the Judiciary (online tutorial, with Cynthia Gray, September 2020), available at <https://vimeo.com/442133613>

Commonwealth of Pennsylvania, Online Ethics Training for the Judiciary (June 18, 2020) (online presentation during COVID-19 pandemic)

Conference of Chief Justices Midwinter Meeting, Honolulu, Hawaii (Feb. 1-5, 2020):

- Presentation to Judicial Family Institute on judges' family members and the rules of judicial conduct.
- Designed and organized two-day educational program on Environmental Law and Climate Change

American College of Business Court Judges, Annual Meeting, Pittsburgh, Pennsylvania (Oct. 31-Nov. 1, 2019): Presentation of Business Court Curriculum.

National College on Judicial Conduct and Ethics, Chicago, Illinois (Oct. 24-27, 2019): Speaker on social media and domestic and international judicial ethics.

Oregon Judicial Conference, Sunriver, Oregon (Oct. 22, 2019): Training session on judicial ethics.

Nebraska Judicial Branch Fall Meeting, Omaha Nebraska (October 9-10, 2019): Training session on judicial ethics.

American Judges Association/Supreme Court of Illinois Judicial College Committee on Judicial Education, 2019 Joint Conference, Chicago, Illinois (September 16-18, 2019): Speaker on Judicial Ethics in Technology and Media.

Trinidad Ministry of Justice, Judicial Training Programs, Trinidad (June 28-29, 2019): Training sessions on judicial ethics.

Commonwealth of Pennsylvania, Appellate Judges Conference, Bedford Springs, Pennsylvania (June 11-13, 2019): Presentation on judicial ethics.

ABA Section of Business Law, Spring Meeting, Vancouver, Canada (March 28-30, 2019): Chair and Speaker on Program: “Distress, Disaster, and Disability: Recent Ethics Opinions on Duties in Responding to Disabilities and Disasters.”

Konrad Adenauer Stiftung, Conference on Impartiality of Judges and Social Media: Approaches, Regulations and Results, Cadennabia, Italy (March 10-13, 2019): Moderator of panel on use of social media by judges and speaker on two other panels.

United Nations/UNODC: Conference on Judicial Ethics & Social Media, Vienna, Austria (November 5-7, 2018): Executive discussion and drafting session on international standards.

National Association of Presiding Judges and Court Executive Officers, 2018 Annual Conference, St. Louis, Missouri (October 14-17, 2018): Presentation on Fines, Fees, and Bail Practices – Current Developments and Reform Efforts.

Magistrature de Quebec, Colloque soulignant les 40 ans du Conseil de la magistrature Montreal, Canada (September 27-28, 2018): Presentation (in French) on judicial ethics in the United States.

Wyoming Judiciary, Judicial Ethics Training Session for Wyoming Judges, Jackson, WY (May 3, 2018): Update on current issues and trends in judicial ethics, including extrajudicial activities, imposition of court-ordered financial obligations and issues of pretrial release, due process and driver’s license suspensions, border searches of personal electronic devices, #MeToo developments, disqualification/recusal requirements, independent Internet research, and First Amendment challenges to the canons of judicial conduct.

Yale Law School, 21st Annual Liman Center Colloquium: “Who Pays? Fines, Fees, Bail, and the Cost of Courts”, New Haven, CT (April 5-6): Presentation on Litigation Developments and Reform Efforts Regarding Court-Ordered Financial Obligations, Pre-trial Release, and Driver’s License Suspension.

Center for Judicial Ethics, 25th National College on Judicial Conduct and Ethics, Austin, TX (October 28-31, 2017): Speaker,

ABA Section of Business Law, Annual Meeting, Chicago, IL (September 14-16, 2017): Chair and Speaker at Program: “Reclaiming Professional Competence & Ethical Behavior in the Digital Age”; Chair and Speaker at Program: “Ethical Issues in Tax Law Practice.”

Wyoming Judiciary, Judicial Ethics Training Session for Wyoming Judges, Cheyenne, WY (Sept. 12, 2017): Presentation on Independent Factual Research by Judges.

ABA Section of Business Law, Spring Meeting, New Orleans, LA (April 6-8, 2017): Chair and Speaker at Program: “Beyond Conflicts: Advance Waivers and Other Engagement Letter Topics”; Program Chair: “Ethics in Negotiating and Preserving Privilege in M&A Transactions.”

ABA Section of Business Law, Annual Meeting, Boston, MA (September 8-10, 2016): Program Chair: “Ethics Regulation of Law Firms and Other Entities”; Chair and Speaker at Program: “Ethical Issues in Banking Law Practice”; Speaker at Program: “Important Ethical Issues Relating to Anti-Money Laundering Regulation.”

U.S. Dep’t of Justice, Professional Responsibility Training Session for Immigration Judges, Washington, D.C. (August 16, 2016): Speaker on Judicial Ethics

ABA Section of Business Law, Spring Meeting, Montreal, Quebec, Canada (April 7-9, 2016): Program Chair: “Comparative Ethics for U.S. and Canadian Business Lawyers”; Program Chair: “Whistleblowing, Ethics, and Preemption.”

International Conference on Court Excellence, Singapore (Jan. 28-29, 2016): Presentation, “Some Observations on International Judicial Ethics.”

Center for Judicial Ethics, 24th National College on Judicial Conduct and Ethics, Chicago, IL (October 28-31, 2015): Speaker, “The Constitutionality of Restrictions on Judges’ Political Conduct.”

ABA Section of Business Law, Annual Meeting, Chicago, IL (September 17-19, 2015): Chair and Speaker at Program: “Civility and Ethics: Do They Reinforce Each Other?”; Program Chair: “Ethics in Bankruptcy Law Practice.”

ABA Section of Business Law, Spring Meeting, San Francisco, CA (April 16-18, 2015): Chair and Moderator of Program, “Murder, Plunder, and Legal Ethics”; Committee Sponsor of Program: “Law Firm Bankruptcies and Dissolutions: Legal and Ethical Issues.”

Webinar, Ethics, Lawyer Liability, and the Corporate Transparency Act (ABA Business Law Section In-the-Know, May 21, 2021).

Webinar, Legal Ethics: When a Lawyer Leaves the Firm (ABA Business Law Section In-the-Know, June 30, 2020).

Webinar, Bank Affiliate Transactions: Navigating Sections 23A and 23B of the Federal Reserve Act (Strafford Publishing, March 18, 2015).

Webinar, Consolidated Group Tax Allocations; Navigating Consolidated Return Rules; New Interagency Guidance for Banks (Strafford Publishing, November 12, 2014).

NAIB/UAFS Annual Meeting, Deer Valley, Utah (August 14-15, 2014): Speaker on Volcker Rule Challenges.

BAFT-IFSA Annual National Conference, La Jolla, California (May 4-7, 2014): Speaker on Dodd-Frank Title VII (commodities regulation) and X (CFPB) issues

Webinar: FinCEN’s Proposed Rulemaking on Customer Due Diligence: What You Need to Know (October 2, 2014): Featured Speaker.

Webinar: Recent Developments in Regulatory Guidance for Debt Sellers and Buyers (Sept. 24, 2014): Featured Speaker.

Webinar: Reputation and Conduct Risk: What It Means to Regulators and What Banks Need to Do About It (March 25, 2014): Featured Speaker.

Webinar: OCC’s “Heightened Expectations” Guidelines and Their Potential Impact on All Banks (February 11, 2014): Featured Speaker

ABA Live Webinar: What Every Business Lawyer Should Know About the Final Volcker Rule (January 21, 2014): Moderator & Featured Speaker

Webinar: OCC Bulletin: Use and Review of Independent Consultants in Supervisory Actions—Guidance for Bankers (January 15, 2014): Featured Speaker

Webinar: Regulatory Guidance on Third-Party Relationship Management—More Than a Restatement (January 9, 2014): Featured Speaker

Webinar: A New World for International Money Transfers: Complying with the CFPB's Remittance Transfer Rule (November 22, 2013): Featured Speaker

Pennsylvania Banking Institute: Banking and Consumer Financial Services Law Update, Philadelphia, Pennsylvania (October 23, 2013): Co-Chair, Moderator, and Speaker.

ABA Live Webinar: Basel III: Regulatory Capital in a Whole New World (September 20, 2013): Chairman & Moderator

ABA Business Law Section Spring Meeting, Washington, D.C. (April 5, 2013): Chair and Speaker on Program, “Fathoming FATCA.”

Aspen Institute, Institute for the Advancement of the American Legal Profession (University of Denver College of Law), & Federalist Society: Delegate to Conference on Methods of Judicial Selection, Colorado Springs, Colorado (March 27-29, 2013).

ABA Live Webinar: Recent Developments in AML and OFAC Compliance (March 20, 2013): Chairman & Moderator

LXBN TV, Video Interview on *NLRB v. Noel Canning* and Challenges to Recess Appointments (Feb. 14, 2013).

Webinar: The Impact of the D.C. Circuit Court NLRB Ruling on the CFPB (February 4, 2013): Featured Speaker

Webinar: Coordinated AML/OFAC Enforcement Is Kicked Up a Notch (December 18, 2012): Featured Speaker

National Center for State Courts, Lawyers’ Committee Meeting (Nov. 5, 2012): Speaker on Post-*Caperton* Developments in State Judicial Disqualification Rules.

Webinar: State Bank Supervisors: The New AML Enforcers (September 5, 2012): Featured speaker.

American Bar Association, Annual Meeting (Chicago, Aug. 3-6, 2012): Presentation on FATCA and Foreign Banks (Aug. 3); Program Moderator, “Lawyer for the Deal” (Aug. 4).

LXBN TV, Video Interview on *State National Bank of Big Spring, Texas et al. v. Geithner et al.* (July 12, 2012). Video interview discussing problems with the complaint filed against the Bureau of Consumer Financial Protection and others in the above-captioned case.

The Learning Company, Internet Conference : Dodd-Frank – Leveraged & Risk-Based Capital Requirements for Banks (May 17, 2012): Speaker on Enhanced Prudential Capital Standards for SIFIs and Early Remediation for SIFIs.

Webinar: CFPB Payday Lending Exams (February 14, 2012): Featured Speaker.

Webinar: The Meaning of Richard Corday’s Appointment as Director of the CFPB (January 18, 2012). Featured Speaker.

IMN Real Estate General Counsel's Forum (New York, Oct. 3-4, 2011). Session Chair for Regulatory Panel on Dodd-Frank: Investment Advisor Issues and Other New Legislation and Enforcement.

Webinar: Conversion of Thrifts to Commercial Banks After the Demise of OTS (May 5, 2011): Featured Speaker, along with investment bankers from Janney Montgomery Scott.

Conference of Chief Justices, Summer Meeting (Vail, Colorado, July 24-27, 2010): Presentations on current issues in judicial disqualification reform and cutting-edge topics in legal ethics.

American Bar Association, Section of Business Law, ABA Annual Meeting ((Chicago, Illinois, August 4, 2012): Moderator for Program on "Lawyer for the Deal."

American Bar Association, Section of Business Law, ABA Annual Meeting ((Chicago, Illinois, August 3, 2012): Co-Chair and Moderator of Panel on FATCA and Derivatives Issues Facing Foreign Banks.

Center for International Legal Studies, Program on Lawyering in the International Market (Steamboat Springs, Colorado, March 28 - April 2, 2010): Speaker on ethical issues in transnational law practice.

Conference of Chief Justices, Midwinter Meeting (St. Thomas, U.S.V.I., Jan. 30-Feb. 3, 2010): Short presentations on issues in legal ethics occasioned by globalization and rapid evolution of technology and problems in the law of judicial disqualification.

American Bar Association, Section of Business Law, Leadership Retreat (Palm Springs, California, Jan. 15-18, 2010): Speaker on issues in legal ethics occasioned by globalization and rapid evolution of technology.

Brooklyn Law School/Cadwalader Wickersham & Taft, Program on Future of State Regulation of Financial Services (New York, Sept. 30, 2009): Speaker on substantive and enforcement preemption of state bank regulators and other law enforcement officials.

Lincoln Institute for Land Policy/National State Tax Judges Conference, Annual Meeting, Cambridge, Massachusetts, September 24-25, 2009: Featured speaker on amicus brief writing and current issues in judicial disqualification and recusal.

American Bar Association Presidential Showcase Program: "Justice for Sale?" Contributions to Judicial Elections in the Wake of the Supreme Court's Decision in *Caperton v. Massey* (Chicago, Illinois, July 30, 2009): Speaker on Judicial Ethics, Recusal, and Disqualification.

Center for Professional Responsibility, American Bar Association, 35th Annual Conference on Professional Responsibility (Chicago, Illinois, May 28-29, 2009): Speaker on Judicial Recusal and Disqualification.

Delegate to ABA Commission on Fair and Impartial State Courts Summit, Charlotte, North Carolina, May 7-9, 2009.

Practicing Law Institute, 14th Annual Consumer Financial Services Litigation Institute (New York, March 10, 2009; Chicago, April 24, 2009): Presentation on Preemption Issues in Consumer Financial Services Regulation and Litigation.

Franklin Pierce Law Center, Concord, New Hampshire (September 25, 2008): Community Lecture on Causes and Effects of the Financial Market Meltdown.

Practicing Law Institute, 13th Annual Consumer Financial Services Litigation Institute (New York, March 10-11, 2008; Chicago, April 17-18, 2008): Presentation on Preemption Issues in Consumer Financial Services Regulation and Litigation.

Northeastern University Law School, Boston, Massachusetts, Faculty Colloquium (October 23, 2007): Presentation on Resuscitating the Tenth Amendment for Consumer Protection.

University of Arkansas at Little Rock, Bowen School of Law/William J. Clinton Presidential Library/Clinton School of Public Service/Center for International Legal Studies, Conference on The Internet: Governance and the Law, Little Rock, Arkansas (April 25-29, 2007): Presentation on Domestic and International Regulation of Check Truncation Technology.

Ohio State University - Michael E. Moritz Law School, Symposium on Pre-Judicial Education, Columbus, Ohio (March 30-31, 2007): Presentation on the Pros and Cons of a curriculum of advance study for aspiring jurists.

Association for the Study of Law, Culture and the Humanities, Tenth Annual Conference, Washington, D.C. (March 23-24, 2007): Presentation on Lawyering as Performance Art: Lessons from Music Theory.

Institute for Trade in the Americas, Michigan State University College of Law, Conference on E-Commerce: Challenges to Privacy, Integrity, and Information Security in a Borderless World, East Lansing, Michigan (February 23, 2007): Conference Chair.

Institute for Trade in the Americas, Michigan State University College of Law, Second Annual Conference on Trade and Investment in the Americas – The Great Lakes Water Basin: International Law and Policy Crossroads, Chicago, Illinois (December 1-2, 2006): Conference Chair.

Centre for International Legal Studies, International Conference on Mergers & Acquisitions/Securities Law, Cape Town, South Africa (November 15-19, 2006): Conference Chair.

American Bar Association, Banking Law Committee, Annual Fall Meeting, Washington, D.C. (November 2-4, 2006): Presentation on Tenth Amendment Limitations on Federal Preemption of State Banking and Consumer Protection Laws.

International Law Association, The Evolving World of International Law, New York, New York (October 26-28, 2006): Presentation on Premerger Clearance in International Transactions; Moderator of Panel on Teaching International Law in a Globalized World.

Central States Law Schools Association, Annual Conference, Louisville, Kentucky (October 20-21, 2006): Presentation on Rethinking Agency Preemption.

Commercial Real Estate Financing in Michigan, Lansing, Michigan (October 19, 2006): Presentation on Commercial Banking Organizations Entering the Real Estate Investment and Development Business.

American Bar Association, Annual Meeting, Honolulu, Hawaii (August 3-8, 2006): Presentation on Federal Preemption of State Banking and Consumer Protection Laws.

Texas Tech University School of Law, Symposium: Federal Preemption in the Financial Institutions Arena, Lubbock, Texas (April 19-21, 2006): Speaker on Predatory Lending, Preemption, and the Tenth Amendment.

Association for the Study of Law, Culture and the Humanities, Ninth Annual Conference, Syracuse, New York (March 17-18, 2006): Presentation on Universal Aspects of Grammar and Syntax and their Ramifications for Statutory Construction.

Centre for International Legal Studies, Conference on Investing and Doing Business in Foreign Markets, Bad Gastein, Austria (January 15-20, 2006): Moderator of Two Panels on International M&A Transactions; Presentation on Transparency in Merger Review.

Central States Law Schools Association, Annual Conference, East Lansing, Michigan (November 4-5, 2005): Presentation on Transparency in Merger Review.

Centre for International Legal Studies, Conference on International Business Transactions, Salzburg, Austria (November 20-23, 2004): Moderator of Panel on International M&A Transactions; Presentation on Convergence in International Merger Control and the Suitability of Harmonization Efforts Under the Purview of the World Trade Organization.

Georgetown University Law Center, Sloan Interdisciplinary Workshop Series, Washington, D.C. (April 30, 2004): Presentation on Regulating Business Law Practice After Enron and Other Corporate Scandals.

Centre for International Legal Studies, Joint Conference on Mergers & Acquisitions in a Changing Environment and The Antitrust Lawyer in a Global Market, Steamboat Springs, Colorado (February 8-14, 2004): Presentation on U.S. and European Union Merger Remedies and Mergers & Acquisitions Strategic Planning.

International Law Association, International Law in Crisis and in Business, 2003, New York, NY (Oct. 24-25, 2003): Chaired panel on international anti-money laundering and anti-terrorism initiatives.

Boston Bar Association: Presentation on European Union Merger Controls (April 15, 2003).

Boston Bar Association: Appointed as Official Reporter to the Task Force on Corporate Governance (November 2002 - July 2004).

Centre for International Legal Studies, Securities Regulation/M&A Conference, Salzburg, Austria (Oct. 10-13, 2002): Speaker on Regulation of Business Lawyers Post-Enron.

International Law Association, International Law Odyssey 2001: *Beyond the Limits*, New York, NY (Oct. 25-27, 2001): Chaired panel on Recent Developments in International Banking and Finance.

Boston Bar Association & Suffolk University Law School Advanced Legal Studies, Consolidation of Technology Companies in an Uncertain Market (Oct. 19, 2001): Co-Chair and Speaker on Fiduciary Obligations of Directors, Antitrust, and Ethical Issues.

Massachusetts Continuing Legal Education, Program on Developments in Banking Law (April 30, 2001): Speaker on Issues Raised by the Gramm-Leach-Bliley Act of 1999.

Spring Meeting, Business Law Section, American Bar Association, Philadelphia, PA (March 22-24, 2001): Speaker on Ethical Issues Concerning Conflicts of Interest in Business Law Practice. **Pennsylvania Bar Institute, Banking Law Update, Philadelphia, PA (April 30, 1996):** Speaker on Recurring Ethical Issues in Counseling Banks and Corporate Clients.

Practicing Law Institute, Defending Bank and Thrift Directors and Counsel in the 90's, Washington, D.C. (October 24-25, 1994): Speaker on FDIC Golden Parachute Regulation, Lawyer Liability Issues, and Protective Measures for Directors.

University of Florida Centre for International Crime Studies and Oceana Publications, Second Annual Int'l Conference on Money Laundering, Asset Forfeiture, and White Collar Crime, New York (February 25-26, 1994): Speaker on BCCI and U.S. Regulation of Foreign Banks, International Money Laundering Enforcement, Asset Forfeiture, and Professional Liability.

American Law Institute, Liability of Lawyers and Accountants, Washington, D.C. (December 10-11, 1993): Speaker on Ethical Issues for Bank and Securities Lawyers and Policy Implications of a Separate Code of Ethics for Lawyers Representing Depository Institutions.

Practicing Law Institute, Defending Bank and Thrift Directors and Counsel in the 90's, Washington, D.C. (October 25-26, 1993): Speaker on Judicial Review of Enforcement Actions, Lawyer Liability Issues, and Protective Measures for Directors.

Ohio Continuing Legal Education (July 15, 1993): Speaker for Videotaped Program on Administrative Enforcement Actions Against Professionals.

American Inns of Court, Annual Meeting, Chicago (June 1993): Speaker on Legal Ethics.

Boston Bar Foundation Continuing Legal Education Seminar, "The Feds v. Professional Organizations: Your Criminal and Civil Penalty Exposure" (June 22, 1993): Speaker on Enforcement Activity Against Law Firms.

University of Florida Centre for International Crime Studies and Oceana Publications, First Annual Int'l Conference on Money Laundering, Asset Forfeiture, and White Collar Crime, Miami (February 25-26, 1993): Speaker on BCCI and U.S. Regulation of Foreign Banks, Asset Forfeiture, and Professional Liability.

Connecticut Bar Association (February 23, 1993): Keynote speaker on legal ethics at dinner program sponsored by Corporate and Banking Committees.

Financial Institutions and Regulatory Reform: Managing the Ripple Effect, Institute for Advanced Legal Studies, University of Denver College of Law (December 2, 1992): Keynote Speaker.

Conference on Issues in Modern Equity, Duke University School of Law (March 28, 1992): Speaker on Equitable Issues in Modern Bank Regulation.

Business Law Symposium, "Financial Institutions: Regulation and Legal Challenges in the 1990's," Wake Forest University (March 27, 1992): Speaker on Diversification of Banking Organizations into Securities and Insurance Activities.

A.B.A. National Institute, Washington, D.C. (June 6-7, 1991): The Closing of a Bank or Thrift: The Law of FDIC/RTC Conservatorships and Receiverships, Speaker on various topics.

Massachusetts Continuing Legal Education: Lecturer on Banking Law (Winter 1991).

Maryland Institute for Continuing Professional Education of Lawyers, Inc.: Lecturer on Advising Financial Institutions (1990).

Banking Law Institute: Lecturer at conferences on Bank and Thrift Supervision, Enforcement, and Compliance and Bank Holding Company Product and Geographic Expansion (1987-1989).

U.S. Department of Justice, Office of Legal Education: Guest Lecturer on Financial Institutions Regulation and Supervision (1986-1988).

U.S. League of Savings Institutions: Lecturer at Attorneys' Clinic (1990).

Other Professional Activities:

American Society of International Law: Judge, Philip C. Jessup Moot Court Competition (periodically).

BANK BAILOUT LITIGATION NEWS: Member, Board of Advisors, 1991-1998.

BANK AND CORPORATE GOVERNANCE LAW REPORTER: Member, Editorial Board, 1992-1998.

K E I T H R. F I S H E R

APPENDIX B: LIST OF PUBLICATIONS

Books and Articles: BANKING LAW MANUAL (Lexis-Nexis/Matthew Bender (2015 - present)): 2 volume, comprehensive treatise, available in print and electronically, updated semi-annually.

Stanford Study Reveals Hallucinations in Lexis and Westlaw Tools, BUSINESS LAW TODAY (December 2024), available at <https://businesslawtoday.org/month-in-brief/december-in-brief-legal-opinions-and-ethics-2024/>

ABA Ethics Opinion on Generative AI Offers Useful Framework, BUSINESS LAW TODAY (October 2024), available at <https://businesslawtoday.org/2024/10/aba-ethics-opinion-generative-ai-offers-useful-framework/>

Conflicts and Imputation from “The Client That Never Was,” BUSINESS LAW TODAY (June 2024), available at <https://businesslawtoday.org/2024/06/conflicts-and-imputation-from-the-client-that-never-was/>

SCOTUS Reverses Appropriations Clause Invalidation of CFPB Funding, BUSINESS LAW TODAY (June 2024), available at <https://businesslawtoday.org/2024/06/scotus-reverses-appropriations-clause-invalidation-of-cfpb-funding/>

Recent ABA Opinion Explores Misuse of “Confidential Government Information,” BUSINESS LAW TODAY (May 2024), available at [Recent ABA Opinion Explores Misuse of “Confidential Government Information” \(americanbar.org\)](https://businesslawtoday.org/2024/05/recent-aba-opinion-explores-misuse-of-confidential-government-information/)

Urgent: FTC Final Rule Outlaws Nearly All Noncompete Agreements, BUSINESS LAW TODAY (April 2024), available at <https://businesslawtoday.org/month-in-brief/april-in-brief-business-regulation-and-regulated-industries-2024/#Urgent-FTC-Final-Rule-Outlaws-Nearly-All-Noncompete-Agreements>

Progression and Retrogression in Antitrust Scrutiny Under the Merger Guidelines, BUSINESS LAW TODAY (April 2024), available at [Progression and Retrogression in Antitrust Scrutiny under the Merger Guidelines \(americanbar.org\)](https://businesslawtoday.org/month-in-brief/april-in-brief-business-regulation-and-regulated-industries-2024/#Progression-and-Retrogression-in-Antitrust-Scrutiny-under-the-Merger-Guidelines)

Federal Court Declares Corporate Transparency Act Unconstitutional, BUSINESS LAW TODAY (March 2024), available at <https://businesslawtoday.org/month-in-brief/march-in-brief-corporations-llcs-and-partnerships-2024/>

Some Pitfalls and Perils of Judicial Social Media Use (with Hon. Julie J. Bernard), 67 BOSTON BAR J. Issue 4 (November 8, 2023), available at www.bostonbar.org/journal/some-pitfalls-and-perils-of-judicial-social-media-use

SCOTUS Approves Challenges to Agency Enforcement Proceedings, BUSINESS LAW TODAY (June 2023), available at [SCOTUS Approves Challenges to Agency Enforcement Proceedings \(americanbar.org\)](https://www.americanbar.org/publications/business-law-today/2023/06/scotus-approves-challenges-to-agency-enforcement-proceedings/)

New ABA Ethics Opinion Weighs In on Retainers and Advance Fee Payments, BUSINESS LAW TODAY (June 2023), available at [Months In Brief Archive - Business Law Today from ABA](https://www.americanbar.org/publications/business-law-today/2023/06/new-aba-ethics-opinion-weighs-in-on-retainers-and-advance-fee-payments/)

Civil Money Penalties and FBARs, BUSINESS LAW TODAY (April 2023), available at [Civil Money Penalties and FBARs \(americanbar.org\)](https://www.americanbar.org/publications/business-law-today/2023/04/civil-money-penalties-and-fbars/)

New ABA Ethics Opinion: Conflict of Laws and Model Rule 8.5, BUSINESS LAW TODAY (March 2023), available at [March 2023 in Brief: Legal Opinions & Ethics \(americanbar.org\)](https://www.americanbar.org/publications/business-law-today/2023/03/new-aba-ethics-opinion-conflict-of-laws-and-model-rule-8-5/)

Turning Over a Lawyer's Hard Drive for Forensic Analysis BUSINESS LAW TODAY (September 2022), available at <https://www.americanbar.org/groups/business-law/publications/blt/2022/10/hard-drive-forensic-analysis/>

Recent Guidance on Relationships with Other Lawyers and Personal Interest Conflicts, BUSINESS LAW TODAY (February 2021), available at <https://businesslawtoday.org/2021/02/recent-guidance-relationships-lawyers-personal-interest-conflicts/>

Brexit and the Legal Profession in the United Kingdom, Business Law Today (January 2021), available at <https://businesslawtoday.org/2021/01/brexit-legal-profession-united-kingdom/>

Judicial Ethics in a World of Social Media, in KONRAD ADENAUER STIFTUNG, IMPARTIALITY OF JUDGES AND SOCIAL MEDIA: APPROACHES, REGULATIONS AND RESULTS 7 (Anja-Katrin Finke, ed. 2020), available at <https://www.kas.de/de/einzeltitel/-/content/impartiality-of-judges-and-social-media-3>

Legal Process Outsourcing and the Model Rules of Professional Conduct, 34 COMP. L. YEARBOOK INT'L BUS. 507 (2013).

CFPB Rulemaking Portends Unilateral Federal Agency Modification of Attorney-Client and Work Product Protection, 16 CONSUMER FIN. SVCS. L. REP., Issue No. 2, at 11 (June 19, 2012).

Selva oscura: Campaign Support, Judicial Disqualification, and Due Process, 48 DUQ. L. REV. 767 (2010)

– commissioned by the Duquesne Law Review for a symposium on judicial independence.

Chief Justice Roberts and the "Forty Thieves," 2 AKRON STRICT SCRUTINY 24 (2010) (with Konstantina Vagenas) (commissioned by the Akron Law Review), available at <http://strictscrutiny.akronlawreview.com/files/2010/04/chief-justice-roberts-and-the-forty-thieves.pdf>

Education for Judicial Aspirants, 43 AKRON L. REV. 163 (2009).

Repudiating the Holmesian "Bad Man" Through Contextual Ethical Reasoning, 2008 J. PROF. LAW. 13 (2008), available at <http://www.abanet.org/cpr/centennial.html>

– commissioned by the A.B.A. Center for Professional Responsibility for inclusion in a symposium in 2008 celebrating the centennial anniversary of the adoption of the Canons of Professional Ethics. Commissioned papers, which were selected from among many competing submissions, received an honorarium and were published in the centennial issue of *The Journal of the Professional Lawyer*.

The Great Lakes - St. Lawrence River Basin Compact and Agreement: International Law & Policy Crossroads, 2006 MICH. ST. L. REV. 1085 (2007).

Transnational Competition Law and the WTO, in 2 BUSINESS LAW & TECHNOLOGY: PRESENT AND EMERGING TRENDS 273 (Sylvia Mercado Kierkegaard ed., 2006).

Toward a Basal Tenth Amendment: A Riposte to National Bank Preemption of State Consumer Protection Laws, 29 HARV. J. L. & PUB. POL'Y 981 (2006)

– selected by the judges as a winner in the 2005 Peterson Prize National Writing Competition, sponsored by the Willamette University Center for Law and Government and the Willamette University College of Law, from among competing submissions by law professors as well as professors of political science, history, and related disciplines, and given a substantial monetary award.

- widely read by state Attorneys General, state banking commissioners, and consumer advocacy organizations in the wake of the Supreme Court's granting of certiorari in *Watters v. Wachovia Bank et al.* and led to engagement to draft and file brief amicus curiae on behalf of the State of Maryland.

- cited in *The Clearing House Association, L.L.C. v. Cuomo*, 510 F.3d 105 (2d Cir. 2007).

Transparency in Global Merger Review: A Limited Role for the WTO?, 11 STANFORD J. LAW, BUS. & FIN. 327 (2006).

The Higher Calling: Regulation of Lawyers Post-Enron, 37 UNIV. OF MICH. J. L. REFORM 1017 (2004).

In rem Alternatives to Extradition for Money Laundering, 25 LOYOLA OF L.A. INT'L & COMP. L. REV. 409 (2003) –

– selected from among many competing submissions for inclusion in symposium and award of honorarium.

Orphan of Invention: Why the Gramm-Leach-Bliley Act Was Unnecessary, 80 OREGON L. REV. 1301 (2002).

Foreword: International Banking at the Dawn of the Millennium, 25 SUFFOLK TRANSNAT'L L. REV. xiv (2002).

Neither Evaders Nor Apologists: A Reply to Professor Simon, 23 LAW & SOCIAL INQUIRY 341 (1998).

MERGERS AND ACQUISITIONS OF BANKS AND SAVINGS INSTITUTIONS (Little Brown & Co., 1993).

Nibbling on the Chancellor's Toesies: A "Roguish" Concurrence with Professor Baxter, 56 LAW & CONTEMP. PROBS. 45 (1993).

Statutory Construction and the Kaye, Scholer Freeze Order, BANKING POLICY REPORT, Vol. 11, Nos. 16 and 17 (August 17, 1992 and September 7, 1992, serialized) –

-- reprinted as Chapter 22A, Asset Freezes: Kaye, Scholer, in 2 BAXTER DUNAWAY, FIRREA: LAW AND PRACTICE (Clark Boardman Callaghan, 1993).

Reweaving the Safety Net: Bank Diversification Into Securities and Insurance Activities, 27 WAKE FOREST L. REV. 123 (1992).

Regulators Find New Deep Pockets in Bank Counsel, 4 BANKING L. REV. 3 (1991).

Federalism Contra Federal Reservism: Bank Holding Companies and State Bank Powers, 23 U. SAN FRANCISCO L. REV. 317 (1989).

Thrift Acquisitions by Bank Holding Companies, 42 CONSUMER FIN. L. Q. REP. 76 (1988).

Bank Enforcement Actions: Usurping Legislative Prerogatives, 104 BANKING L.J. 215 (1987).

Works on the drawing board:

The Amicus's Tale.

CAKLES IN SPAIN: THE SECRET HISTORY OF THE BARCELONA TRACTION CASE.

Others:

Urgent: FTC Final Rule Outlaws Nearly All Noncompete Agreements, BUSINESS LAW TODAY (April 2024), available at https://businesslawtoday.org/month-in-brief/april-in-brief-business-regulation-and-regulated-industries-2024/#Urgent_FTC_Final_Rule_Outlaws_Nearly_All_Noncompete_Agreements

ABA Calls on SCOTUS to Adopt a Code of Ethics, BUSINESS LAW TODAY (May 2023), available at [May 2023 in Brief: Legal Opinions & Ethics \(americanbar.org\)](https://www.americanbar.org/groups/business_law/publications/blt/2023/05/aba-ethics-opinion/)

New York is the First State to Require Cybersecurity CLE, BUSINESS LAW TODAY (December 2022), available at [December 2022 in Brief: Legal Opinions & Ethics \(americanbar.org\)](https://www.americanbar.org/groups/business_law/publications/blt/2022/12/aba-ethics-opinion/)

CFIUS Issues Enforcement and Penalty Guidelines, BUSINESS LAW TODAY (October 2022), available at [October 2022 in Brief: Mergers & Acquisitions \(americanbar.org\)](https://www.americanbar.org/groups/business_law/publications/blt/2022/10/cfius-guidelines/)

ABA Ethics Opinion Cracks Open Door to Alternative Business Structures, BUSINESS LAW TODAY (December 2021), available at https://www.americanbar.org/groups/business_law/publications/blt/2021/12/aba-ethics-opinion/

Scam Savviness as a Metric of Attorney Competence and Diligence, BUSINESS LAW TODAY (November 2021), available at <https://businesslawtoday.org/month-in-brief/november-in-brief-legal-opinions-and-ethics-2021/>

What is Reciprocal Discipline?, BUSINESS LAW TODAY (August 2021), available at <https://businesslawtoday.org/month-in-brief/august-in-brief-legal-opinions-and-ethics-2021/>

Overbilling and Supervision, BUSINESS LAW TODAY (June 2021), available at <https://businesslawtoday.org/month-in-brief/june-in-brief-legal-opinions-and-ethics-2021/>

Common Interest Agreements and Waiver of Attorney-Client Privilege, BUSINESS LAW TODAY (June 2021), available at <https://businesslawtoday.org/month-in-brief/june-in-brief-legal-opinions-and-ethics-2021/>

Yelp Help: Responding to Negative Online Reviews, BUSINESS LAW TODAY (May 2021), available at <https://businesslawtoday.org/month-in-brief/may-in-brief-legal-opinions-and-ethics-2021/>

Federal Court Declares PA Version of Model Rule 8.4(g) Unconstitutional, BUSINESS LAW TODAY (May 2021), available at <https://businesslawtoday.org/month-in-brief/may-in-brief-legal-opinions-and-ethics-2021/>

COVID-19 and the “Invisible” Lawyer, BUSINESS LAW TODAY (April 2021), available at [Months In Brief Archive | Business Law Today from ABA](#)

2021 Bar Examinations in the Time of COVID-19, BUSINESS LAW TODAY (February 2021), available at [Months In Brief Archive | Business Law Today from ABA](#)

First Circuit Restores Authority for Border Searches of Devices, BUSINESS LAW TODAY (February 2021), available at [Months In Brief Archive | Business Law Today from ABA](#)

Search Engine Optimization Manipulation, BUSINESS LAW TODAY (November 2020), available at <https://businesslawtoday.org/month-in-brief/november-brief-legal-opinions-ethics-2020/>

New ABA Opinion Significantly Expands Transactional Lawyers’ Duty of Inquiry, BUSINESS LAW TODAY (May 2020), available at <https://businesslawtoday.org/month-in-brief/may-brief-legal-opinions-ethics-2020/>

Language Lab (Periodic column on grammar, vocabulary, and punctuation misadventures for lawyers), BUSINESS LAW TODAY (May 2018 – present).

Requisite Disclosures for Enforceable Advance Conflict Waivers (with A.J. Singleton), BUSINESS LAW TODAY (May 2019), available at <https://businesslawtoday.org/2019/05/requisite-disclosures-enforceable-advance-conflict-waivers/>

Searches of Electronic Devices: Recent Developments & Judges’ Ethical Responsibilities, CENTER FOR JUDICIAL ETHICS (May 2018), available at <http://www.ncsc.org/~media/Files/PDF/Topics/Judicial%20Officers/Border-Searches-Judl-Ethics.ashx>

U.S. Border Searches of Electronic Devices: Recent Developments and Lawyers’ Ethical Responsibilities, BUSINESS LAW TODAY (March 2018), available at <https://businesslawtoday.org/2018/03/u-s-border-searches-of-electronic-devices-recent-developments-and-lawyers-ethical-responsibilities/>

The Ethics of Search Engines and Judging, NCSC TRENDS: CLOSE-UP (March 2018), available at <http://www.ncsc.org/~media/Microsites/Files/Trends%202017/Close%20Up/trends-close-up-mar-2018.ashx>

In Memoriam: Geoffrey C. Hazard, Jr., BUSINESS LAW TODAY (Feb. 2018), available at <https://businesslawtoday.org/2018/02/in-memoriam-geoffrey-c-hazard-jr/>

New ABA Ethics Opinion Explores the Prohibition on Independent Fact Research by Judges, CENTER FOR JUDICIAL ETHICS (Feb. 2018), available at <http://www.ncsc.org/~media/Files/PDF/Topics/Center%20for%20Judicial%20Ethics/New-ABA-Ethics-Opinion-Explores-Prohibition-Independent-Fact-Research-by-Judges.ashx>

Multiple Month-In-Brief Entries for Ethics & Professional Responsibility, BUSINESS LAW TODAY (Fall 2017 – present)

Ballard Spahr Discusses Risk Retention Rules, COLUMBIA LAW SCHOOL BLUE SKY BLOG (Nov. 21, 2014), available at <http://clsbluesky.law.columbia.edu/2014/11/21/ballard-spahr-discusses-risk-retention-rules/>

STRATEGIC PERSPECTIVES – *FinCEN Proposes More Extensive Due Diligence Obligations*, WOLTERS KLUWER LAW & BUSINESS (Sept. 16, 2014).

Expert Analysis: *Challenging the CFPB in Court: Inside the Complaint*, LAW360 PRIVACY & CONSUMER PROTECTION NEWSLETTER (July 5, 2012) and LAW360 BANKING NEWSLETTER (July 5, 2012).

Bank Think: *Don't Retire Your Grandfathered Thrift Charter*, AM. BANKER (June 3, 2011).

Report and Recommendation of the ABA Standing Committee on Judicial Independence to the ABA House of Delegates on Judicial Disqualification (June 2011).

Report and Recommendation of the ABA Standing Committee on Judicial Independence to the ABA House of Delegates on Introductory Judicial Education (May 31, 2008).

Op-Ed: *Great Lakes Need Protection From Over-Depletion*, CHICAGO STAR NEWSPAPERS (Jan. 25, 2006).

Protecting Our Rights, Protecting Our Courts, Short film prepared for public education project under the aegis of the American Bar Association Standing Committee on Judicial Independence (2006) (co-scripted, co-edited, and appeared in video).

RAISING THE BAR IN THE BOARDROOM: MASSACHUSETTS CORPORATE GOVERNANCE ISSUES IN THE WAKE OF SOXA, REPORT OF THE BOSTON BAR ASSOCIATION TASK FORCE ON CORPORATE GOVERNANCE (July 2004).

FIRST INTERIM REPORT, A.B.A. TASK FORCE ON THE LIABILITY OF COUNSEL REPRESENTING DEPOSITORY INSTITUTIONS (August 3, 1992), reprinted in 9 BANK AND CORPORATE GOVERNANCE LAW REPORTER (Fall 1992).

**Representative
Amicus Briefs:**

Daves, et al. v. Dallas County, Texas, No. 18-11368, Brief of the Conference of Chief Justices as *Amicus Curiae* in Support of Neither Party (U.S. Court of Appeals, 5th Cir. (en banc), filed April 27, 2021).

Carney v. Adams, No. 19-309, Brief of the Conference of Chief Justices as *Amicus Curiae* in Support of Neither Party (U.S. Sup. Ct., filed Jan. 28, 2020).

Courthouse News Service v. Planet, Nos. 16-55977, 16-56714, Brief of the Conference of Chief Justices as *Amicus Curiae* in Support of Defendant-Appellant (U.S. Court of Appeals, 9th Cir., filed May 1, 2017).

French v. Jones, No. 15-35990, Brief of the Conference of Chief Justices as *Curiae* in Support of Appellees (U.S. Court of Appeals, 9th Cir., filed July 18, 2016).

Cuomo v. The Clearing House Association, L.L.C et al., No. 08-453, Brief of the North American Securities Administrators Association, Inc., as *Amicus Curiae* in Support of Petitioner (U.S. Sup. Ct., filed March 4, 2009).

Caperton et al. v. Massey Coal Co., et al., No. 08-22, Brief of the American Bar Association as *Amicus Curiae* in Support of Petitioners [Merits stage] (U.S. Sup. Ct., filed January 5, 2009).

- Amicus Brief cited and quoted in majority opinion.

Caperton et al. v. Massey Coal Co., et al., No. 08-22, Brief of the American Bar Association as *Amicus Curiae* in Support of Petitioners [Certiorari stage] (U.S. Sup. Ct., filed August 1, 2008).

Watters v. Wachovia Bank et al., No. 05-1342, Brief of Charles W. Turnbaugh, Commissioner of Financial Regulation for the State of Maryland, *et al.*, as *Amici Curiae* in Support of Petitioner Linda A. Watters (U.S. Sup. Ct., filed Sept. 1, 2006).