

MICHAEL D. MURRAY

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TEACHING EXPERIENCE

Valparaiso University School of Law

July 2009-present: **Associate Professor of Law**

June 2010-July 2010: **Director of the 2010 London-Cambridge Program**

August 2008-June 2009: **Visiting Associate Professor of Law**

Teaching Art Law, International Art Law, International and Comparative Civil Liberties: Freedom of Expression, Legal Profession, and Legal Writing and Reasoning 1 and 2. Chair of the Law School Curriculum Committee, 2009-2010, 2010-2011, 2011-2012; elected to the Valparaiso University Graduate Educational Policy Committee (GEPC) for a term of 2011-2013; advisor to the Jessup Moot Court and Price International Freedom of Expression Moot Court teams

University of San Diego School of Law

May 2009-June 2009, May 2007-June 2007: **Visiting Professor of Law**

Taught International Art Law in San Diego's summer 2009 and summer 2007 international and comparative law program in Florence, Italy

University of Illinois College of Law

April 2005-July 2008: **Lecturer of Law and Professor of Legal Research and Writing**

August 2002-April 2005: **Visiting Assistant Professor of Law**

Taught Art Law, Civil Procedure, First Amendment and Censorship, International Art and Cultural Heritage, International and Comparative Freedom of Expression, International Civil Liberties, Introduction to Advocacy, Legal Research and Writing, Legal Writing and Analysis, and Professional Responsibility. Advisor to the Jessup Moot Court Team and the Chicago Bar Association Moot Court Team

Saint Louis University School of Law

August 1998-July 2002: **Director of Moot Court, Instructor of Legal Research and Writing**

Taught Legal Research and Writing I and II and Moot Court I and II. Advisor to the National Moot Court Team, Saul Lefkowitz IP Moot Court Team, and Frederick Douglass Moot Court Team

Columbia Law School, Professor Jack Weinstein

August 1988-May 1989: **Teaching Assistant, Research Assistant**

Worked with Professor and United States District Judge Jack Weinstein in Fall 1988 to create teaching materials for a seminar on complex litigation, and assisted in the teaching of the seminar for Columbia Law School and Brooklyn Law School students in Spring 1989

Fudan University, Department of World Economics, Shanghai, China.

January 1986-June 1986: **Visiting Foreign Expert in English**

Taught English to undergraduate students in the Department of World Economics

EDUCATION

Columbia Law School, New York, NY. J.D., May 1990

Harlan Fiske Stone Scholar; Journal of Transnational Law, Notes Editor; Jessup International Law Moot Court Team (U.S. National Champions, 1988; Program Coordinator, 1988-89; Advisor, 1989-90); Columbia International Law Society, Executive Board

Loyola College, Baltimore, MD. B.A., *Summa Cum Laude*, Political Science, May 1987

Winner of the Whelan Medal, Political Science Medal, Theology Honors Essay Contest

Fudan University, Shanghai, China. Graduate Certificate, Chinese History and Language, June 1986

PUBLICATIONS

BOOKS AND TREATISES:

Civil Procedure

- **CIVIL RULES PRACTICE 3D (MISSOURI PRACTICE SERIES VOL. 15)** (Thomson West 2005)
- **JURISDICTION, VENUE, AND LIMITATIONS 3D (MISSOURI PRACTICE SERIES VOL. 12)** (Thomson West 2005)

Freedom of Expression

- **FIRST AMENDMENT AND CENSORSHIP** (Oceana 2005; Oxford University Press 2006) (with DuBoff and King)

Intellectual Property and Art Law

- **ART LAW: CASES AND MATERIALS** (original ed., William S. Hein 2004; rev'd ed., Aspen Publishers 2010) (with DuBoff and Burr)
- **DESKBOOK OF ART LAW** (Oxford University Press 2004-2011) (with DuBoff and King)

Rhetoric and Legal Research and Writing

- **ADVANCED LEGAL WRITING AND ORAL ADVOCACY: TRIALS, APPEALS, AND MOOT COURT** (Interactive Text) (Foundation Press 2009) (with DeSanctis)
- **ADVERSARIAL LEGAL WRITING AND ORAL ARGUMENT** (Foundation Press 2006) (with DeSanctis)
- **APPELLATE ADVOCACY AND MOOT COURT** (Foundation Press 2006) (with DeSanctis)

- **LEGAL RESEARCH AND WRITING** (Foundation Press 2005) (with DeSanctis)
- **LEGAL RESEARCH AND WRITING ACROSS THE CURRICULUM: PROBLEMS AND EXERCISES** (Interactive Text) (Foundation Press 2009) (with DeSanctis)
- **LEGAL RESEARCH AND WRITING PROBLEMS AND EXERCISES** (Foundation Press 2005) (with DeSanctis)
- **LEGAL RESEARCH METHODS** (Interactive Text) (Foundation Press 2009) (with DeSanctis)
- **LEGAL RESEARCH METHODS** (Foundation Press 2006) (with DeSanctis)
- **LEGAL WRITING AND ANALYSIS** (Interactive Text) (Foundation Press 2009) (with DeSanctis)
- **LEGAL RESEARCH, WRITING, AND ANALYSIS** (Foundation Press 2006) (with DeSanctis)
- **OBJECTIVE LEGAL WRITING AND ANALYSIS** (Foundation Press 2006) (with DeSanctis)

Other

- **THE LAW (IN PLAIN ENGLISH®) FOR HEALTH CARE PROFESSIONALS** (Sourcebooks/Sphinx 2008) (with DuBoff and King)
- **MISSOURI PRODUCTS LIABILITY 2D (MISSOURI PRACTICE SERIES)** (Thomson West 2002) (with King)

ARTICLES AND ESSAYS:

- **DIOS MIO: The KISS Principle of the Ethical Approach to Copyright and Right of Publicity Law**, 14 Minn. J. Law, Sci. & Tech. ____ (forthcoming, Winter 2012), available at <http://ssrn.com/abstract=2134416>
- **Parentheticals – A Love Story**, 38 U. Dayton L. Rev. ____ (forthcoming, Winter 2012), available at <http://ssrn.com/abstract=2137417>
- **After the Great Recession: Law and Economics' Topics of Invention and Arrangement and Tropes of Style**, 58 Loy. L. Rev. ____ (forthcoming, Winter 2012), available at <http://ssrn.com/abstract=2012963>
- **The Great Recession and the Rhetorical Canons of Law and Economics**, 58 Loy. L. Rev. ____ (forthcoming, Fall 2012), available at <http://ssrn.com/abstract=2012955>
- **The Ethics of Intellectual Property: An Ethical Approach to Copyright and Right of**

Publicity Law, Ethics CORE Encyclopedia, National Center for Professional & Research Ethics (forthcoming, Fall 2012), available at <http://ssrn.com/abstract=2013463>

- **What is Transformative? An Explanatory Synthesis of the Convergence of Transformation and Predominant Purpose in Copyright Fair Use Law**, 11 Chic.-Kent J. Intell. Prop. 260 (2012)
- **Explanatory Synthesis and Rule Synthesis: A Comparative Civil Law and Common Law Analysis**, 83-84 Bahçeşehir Üniversitesi Hukuk Fakültesi-Kazancı Hukuk Dergisi 139 (2011)
- **Rule Synthesis and Explanatory Synthesis: A Socratic Dialogue Between IREAC and TREAT**, 8 Legal Comm. & Rhetoric 217 (2011)
- **Copyright, Originality, and the End of the Scènes à Faire and Merger Doctrines for Visual Works**, 58 Baylor L. Rev. 779 (2006)
- **The Positive Pedagogy of Presentations to Partners**, 21 Second Draft 11 (Dec. 2006)
- **Communicating Explanatory Synthesis**, 14 Persp. 136 (Spring 2006)
- **Jurisdiction Under the Foreign Sovereign Immunities Act for Nazi War Crimes of Plunder and Expropriation**, 7 N.Y.U. J. Legis. & Pub. Pol'y 223 (2004)
- **Stolen Art and Sovereign Immunity: The Case of Altmann v. Austria**, 27 Colum. J. L. & Arts 301 (2004)
- **Audience Directed Teaching: Presentation of Writing, Research and Analysis Just in Time**, 18 Second Draft 14 (Dec. 2003)

WORKS IN PROGRESS:

- **ART LAW IN A NUTSHELL** (West) – co-author for fifth edition (with DuBoff and King) (Book)
- **Everything That Rises Must Converge: The Emerging Doctrine of Transformation and Predominant Purpose as the Governing Standard for Right of Publicity Fair Use** (Article)
- **INTERNATIONAL AND COMPARATIVE FREEDOM OF EXPRESSION** (Book)
- **INTERNATIONAL ART LAW: INTERNATIONAL, TRANSNATIONAL, AND COMPARATIVE PERSPECTIVES ON LAW AND THE ARTS** (Book)
- **One Test to Rule Them All, One Test to Bind Them: The Convergence of Transformation and Predominant Purpose as the Governing Standard for Copyright Fair Use, Rights of Publicity and Personality Fair Use, and the Censorship of Artistic Expression** (Article)

- **The Promise of Parentheticals: An Empirical Study of the Use of Parentheticals in Federal Appellate Briefs** – a study of the use of parentheticals for quotation, explanatory synthesis, public policy synthesis, and narrative synthesis (Article)

RECENT PRESENTATIONS AND PROFESSIONAL ACTIVITIES

- **Empirical Research in Law: Parenthetical Usage in the United States Supreme Court**, Valparaiso University Undergraduate and Graduate Summer Research Program, June 13, 2012
- **Legal Writing Institute National Conference 2012**, presented “The Promises (and Pitfalls) of Parentheticals,” Palm Desert, CA, June 1, 2012
- **Global Legal Skills Conference VII**, San Jose, Costa Rica, March 12, 2012; presented **Synthesis: Civilian and Common Law Rhetoric and Legal Discourse**
- **Global Legal Skills Conference VII**, San Jose, Costa Rica, March 12, 2012; presented **Pura Vida Publishing of Legal Books**
- **2012 Annual Meeting of the Association of American Law Schools Conference**, Section on Graduate Programs for Non-U.S. Lawyers, January 7, 2012; presented **Synthesis and the Civilian Lawyer: Common Law Legal Analysis for Civilian-Trained Lawyers**
- **Are Sally and Johnny Ready to Practice Law? A Capstone Model to Assess First-Year Students’ Progress Toward Practice-Ready Status**, Central States Legal Writing Conference, John Marshall Law School, Chicago, September 17, 2011
- **National Intellectual Property Scholars Conference 2011**, DePaul University School of Law, August 12, 2011; presented **What is Transformative? An Explanatory Synthesis of the Convergence of Transformation and Predominant Purpose in Copyright Fair Use Law**
- **21st Century Legal Skills Conference**, Bahçeşehir Üniversitesi, Istanbul, Turkey, June 6-9, 2011; presented **Explanatory Synthesis and Rule Synthesis: A Comparative Civil Law and Common Law Analysis**; the article is published in 83-84 Bahçeşehir Üniversitesi Hukuk Fakültesi-Kazancı Hukuk Dergisi 139 (2011)
- **Explanatory Synthesis: Rhetorical Parentheticals**, Empire State Legal Writing Conference, St. John’s University Law School, New York, NY, May 13, 2011
- **Scholars Conference of the Empire State Legal Writing Conference**, St. John’s University Law School, New York, NY, May 12, 2011, peer reviewer and presenter; presented **What is Transformative? An Explanatory Synthesis of the Convergence of**

Transformation and Predominant Purpose in Copyright Fair Use Law

- **Behavioral Science and Explanatory Synthesis: A Rhetorical Analysis**, Capital Region Legal Writing Conference, George Washington University Law School, February 25, 2011
- **Scholars Conference of the Capital Region Legal Writing Conference**, George Washington University Law School, February 25, 2011, peer reviewer and presenter; presented **Rule Synthesis and Explanatory Synthesis: A Socratic Dialogue Between IREAC and TREAT**
- **2011 Annual Meeting of the Association of American Law Schools Conference**, Legal Writing, Reasoning, and Research Section, January 8, 2011. Moderated and presented a panel entitled, **The Substance of Legal Writing and Reasoning: Rhetoric and Persuasion**, featuring professors of rhetoric, law and psychology, law and sociology, and narrative reasoning theory from George Washington, Temple, Drake, Wyoming, and Valparaiso. The paper that I presented at the session was entitled, **Rule Synthesis and Explanatory Synthesis: A Socratic Dialogue Between IREAC and TREAT**, 8 Legal Comm. & Rhetoric 217 (2011)
- **How Legal Rhetoric Shapes the Law: Pedagogy, Theory, Practice Conference**, American University School of Law, Washington DC, October 15, 2010, presented **Law and Economics as a Rhetorical Perspective in Law**
- **Authentication, Valuation, and Verification**, art law tour and discussion, Fitzwilliam Museum, Cambridge University, Cambridge, UK, July 14, 2010
- **Two Ways of Thinking About Cultural Artifacts: Cultural Property and Cultural Heritage**, art law tour and discussion, British Museum, London, UK, June 22, 2010
- **13th Annual Association for the Study of Law, Culture, and the Humanities (ASLCH) Conference**, Brown University, Providence, RI, March 20, 2010; presented **Everything That Rises Must Converge: The Emerging Doctrine of Transformation and Predominant Purpose as the Governing Standard for Copyright Fair Use, Right of Publicity Fair Use, and the Censorship of Artistic Expression**
- **The Teaching Assistant Who Came in from the Cold: Using Your Teaching Assistants as Double-Agents to Energize Your LRW Class**, Central States Legal Research and Writing Conference, Marquette University Law School, Oct. 10, 2009
- **Scholars' Conference of the Central States Legal Research and Writing Conference**, peer-reviewer and commentator, Marquette University Law School, Oct. 9, 2009
- **Legal Scholarship**, panel presentation, Scholars Conference of the Central Region Legal Research and Writing Conference, Marquette University Law School, Oct. 9, 2009
- **Intersections of Law and Culture Conference**, Lugano, Switzerland, Oct. 3, 2009;

presented **One Test to Rule Them All, One Test to Bind Them: The Convergence of Transformation and Predominant Purpose as the Governing Standard for Copyright Fair Use, Rights of Publicity and Personality Fair Use, and the Censorship of Artistic Expression**

- **Legal Writing Institute National Conference 2008**, moderator and participant on a panel on **Publishing Books in Legal Writing and Other Subject Areas**, Indianapolis, Indiana, July 15, 2008
- **DIOS MIO - The KISS Principle of Art**, The Law and Ethics of Intellectual Property Lecture, University of Illinois School of Art and Design, Mar. 3, 2008
- **All's Fair in Love and Art? Predominant Purpose, Transformation, and the Triumphant Return of Satire**, The Taste of Art Lecture Series, Krannert Art Museum, Champaign, IL, Feb. 25, 2008
- **Introduction to Advocacy**, University of Illinois Springfield Department of Legal Studies and the Institute for Legal, Legislative, and Policy Studies, Jan. 17, 2008
- **Do Lawyers Get a Bad Rap?**, television interview on professional ethics on "Illinois Law" program on WCIA-TV (CBS affiliate) and on the Illinois Channel, Oct. 14, 2007
- **Intellectual Property Professors Panel: Planning for a Career in IP**, University of Illinois College of Law, Champaign, IL, Oct. 2007
- **Contributor** to article on "Should You Be a Faculty Research Assistant" (by Mark Wojcik) in ABA Student Lawyer Magazine, Fall 2007
- **Oral Argument**, University of Illinois Springfield Department of Legal Studies and the Institute for Legal, Legislative, and Policy Studies, May 2007
- **Intellectual Property Professors Panel: New Developments and Strategic Planning**, University of Illinois College of Law, Champaign, IL, Oct. 2006
- **Legal Writing Institute National Conference 2006**, moderator and participant on panel on **Publishing Legal Writing Books**, Atlanta, Georgia, June 2006
- **Aspen Publishers, a WoltersKluwer Company** – starting in March 2006, I have served as an outside development reviewer and editor of new and proposed publications in contracts, exam preparation, and legal research, analysis, and writing for Aspen Publishers
- **Classical Rhetoric, Explanatory Synthesis, and the TREAT Paradigm**, Brandeis School of Law, University of Louisville, and University of Wyoming College of Law, Dec. 2005
- **Collaborative Legal Writing Models**, Central States Legal Writing Conference, Indianapolis, IN, Sept. 2005

- **Copyright for Visual Artists and Art Lawyers**, Visual Arts and the Law Conference, Santa Fe, NM, Aug. 2005
- **Beyond the First Year: Collaborative Legal Writing**, New England Legal Writing Conference, Albany Law School, June 2005
- **Explanatory Synthesis and Analogical Reasoning**, Rocky Mountain Legal Writing Conference, Arizona State University School of Law, Mar. 2005
- **Legal and Ethical Issues of Intellectual Property and Moral Rights Law: What Every Art and Design Professor Should Know and Every Artist and Designer Should Learn**, University of Illinois College of Art and Design, Feb. 2005
- **The Future of Foreign Sovereign Immunity and War Crime Litigation after Austria v. Altmann**, University of Illinois College of Law, Public Law Lecture Series, Aug. 2004
- **ABA National Negotiation Competition** – I was chosen to be the author of a regional and national problem for the 2004-05 ABA Negotiation Competition
- **Retroactive Sovereign Immunity and the Case of Austria v. Altmann**, University of Houston Law Center, Nov. 2003

OTHER PROFESSIONAL EXPERIENCE

Bryan Cave LLP, St. Louis, MO. 5/90 - 8/90, and 6/91 - 7/98. **Associate**
Commercial, products liability, and intellectual property litigation

U.S. District Judge John F. Nangle, St. Louis, MO. 8/90 - 6/91. **Law Clerk**

Willkie, Farr & Gallagher, New York, NY. 5/89 - 4/90. **Summer Associate; Litigation Intern**

Professor Louis Henkin, Columbia Law School. 6/88 - 8/88. **Research Assistant**
Researched and edited portions of the RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES, FOREIGN AFFAIRS AND THE U.S. CONSTITUTION, and CONSTITUTIONALISM AND RIGHTS: THE INFLUENCE OF THE U.S. CONSTITUTION

COMMUNITY SERVICE

First Christian Church (Valparaiso)

I am a deacon and serve on the church council, pastoral relations committee, “Dream Team” visioning committee, chancel choir, Joyful Noise vocal ensemble, and in drama productions. Presented two Theater Workshops for adults on July 24 and 26, 2012

TBC Foundation (St. Louis) - Chairman

I chaired a 3.5 million dollar charitable trust foundation and was responsible for overseeing the budget, donations, and distributions from the foundation

Third Baptist Church (St. Louis)

I was a deacon and served on the church board of trustees, the stewardship committee, the by-laws committee, and chaired the drama and fine arts ministry team. In the latter role, I organized six group art shows in the Grand Center District of St. Louis. I directed or performed in many adult and children's drama productions. I served in the chancel choir and Vox vocal ensemble

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I formed and directed a Gospel and Barbershop quartet at my former church in St. Louis