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**MAJOR PROFESSIONAL EXPERIENCE**

Professor of Law, Northeastern University School of Law, 400 Huntington Avenue  
Boston, Massachusetts, 02115, 1970-present.

(primarily in the fields of Civil Procedure, Evidence, Civil Advocacy, Federal Courts, Complex Litigation, Civil Trial Practice, A.D.R., Law and Literature).

Associate Dean for Academic Affairs, Northeastern University School of Law (1993 - 1996).

Partner, Burns & Levinson, Boston, Massachusetts, 1966-1970  
(primarily in civil litigation and labor law).

Associate, Burns & Levinson, 1963-1966.

**OTHER PROFESSIONAL EXPERIENCE**

Taught abbreviated Law and Literature Course to Judicial Clerks at the Massachusetts Appeals Court (with Heather Yountz), 2009

Consultant to comment on People's Republic of China Procedure Code Revision Proposal, Third Draft, 2005-2006 (with Professor Margaret Woo)

Professor, Summer Institute of International and Comparative Law, (Cornell Law School), Paris, July, 2006 (course entitled "Introduction to the American Legal System")

Steering Committee, Teaching Civil Procedure Conference, June, 2003, American Association of Law Schools, 2001 – 2003.

Visiting Professor, People's University (Renmin), Beijing, China, August, 2000.

Ford Foundation grant recipient to write a book (with Professor Margaret Woo) about American civil procedure and civil litigation for the Chinese legal community and to teach (Summer, 2000) American civil procedure to Chinese civil procedure professors (in Beijing).

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Litigation Consultant, Child Support Enforcement, Department of Revenue, Commonwealth of Massachusetts, 1992-1994.

Consultant on Litigation Strategy and Continuing Legal Education, Burns & Levinson, 1992-1993.

Visiting Lecturer, Yale Law School, Spring, 1991.

Chair, Civil Procedure Section, Assoc. of American Law Schools, 1990; Member of Executive Committee, 2000-2002.

Visiting Professor, Harvard Law School, Spring, 1989.

Consultant to the Reporter of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, 1986-1990 (re: Federal Local Rules Project).

Reporter, Massachusetts Supreme Judicial Court Standing Advisory Committee on the Rules of Civil Procedure, 1982-1994; Member, 1994-present.

Member, Advisory Committee to the Massachusetts Supreme Judicial Court on Rules of Evidence, 1977-1981.

Visiting Part-time Professor and Legal Consultant on Civil Litigation, Community Advocates Law Office, College of Public and Community Service, University of Massachusetts, 1977-1981.

Lecturer on Civil Procedure, Massachusetts Bar Association, Continuing Legal Education, 1967-1970.

### **PROFESSIONAL ORGANIZATIONS**

American Law Institute, American Bar Foundation, American Bar Association, Boston Bar Association, International Association of Procedural Law, Society of American Law Teachers.

### **EDUCATION**

A.B., Harvard College, 1958.

LL.B., Harvard Law School, 1963.

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**PUBLICATIONS**

Litigation and Democracy: Restoring a Realistic Prospect of Trial, 46 Harv. Civil Rights – Civil Liberties L. Rev. 399 (2011) (with Stephen B. Burbank)

The Limitations of Transsubstantive Procedure: An Essay on Adjusting the “One Size Fits All” Assumption, 87 Denver U. L. Rev. 377 (2010)

The Yale Biographical Dictionary of American Law (entries on Charles Clark and David Dudley Field)(ed. Roger K. Newman, 2009).

Procedure, Politics, Prediction, and Professors: A Response to Professors Burbank and Purcell, 156 Pa. L. Rev. 2151 (2008)

Reflections on the Twin Dreams of Simplified Procedure and Useful Empiricism, 35 Western State L. Rev. 173 ( 2007).

Thoughts on Misjudging Misjudging, 7 Nev. L. J. 513 (2007).

Litigating in America: Civil Procedure in Context (Aspen Law and Business, 2006), with Professor Margaret Woo

The Integration of Law and Fact in an Uncharted Parallel Procedural Universe, 79 Notre Dame Law Review, 1981 (2004) (with Thomas Main).

A Traditionalist Looks at Mediation: It's Here to Stay and Much Better Than I Thought, 3 Nev. L. J. 196 (2003).

Discovery in Global Perspective: Are We Nuts? 52 DePaul L. Rev. 299 (2002).

American Civil Procedure (with Professor Margaret Woo) (published in Chinese under the auspices of the Ford Foundation) (2001).

Civil Procedure: Doctrine, Practice and Context (with M. Minow, M. Brodin, and T. Main), (Aspen Law & Business, 2000) (Second Edition, 2004) (Third Edition, 2008) (Fourth Edition, 2012, A. Lahav added as co-author) (First edition is also published in Chinese).

On Thinking About a Description of a Country's Civil Procedure, 7 Tul. J. Int'l & Comp. L. 139 (1999).

Fishing Expeditions Allowed: The Historical Background of the 1938 Federal Discovery Rules, 39 Boston College Law Rev. 691 (1998).

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Uniformity in Procedural Rules and the Attributes of a Sound Procedural System: The Case for Presumptive Limits, 49 *Alabama L. Rev.* 79 (1997).

Some Thoughts About Social Perception and Employment Discrimination Law: A Modest Proposal for Reopening the Judicial Dialogue, 46 *Emory L. J.* 1487 (1997) (with P. Baumann and J. Brown).

Fudge Points and Thin Ice in Discovery Reform and The Case for Selective Substance-Specific Procedure, 46 *Florida L. Rev.* 27 (1994).

Teaching Civil Procedure While You Watch It Disintegrate, 59 *Brooklyn L. Rev.* 1155 (1993).

Substance in the Shadow of Procedure: The Integration of Substantive and Procedural Law in Title VII Cases, 33 *B.C. L. Rev.* 211 (1992) (with P. Baumann and J. Brown).

The Empirical Challenge of Procedure Based in Equity: How Can Equity Procedure Be Made More Equitable? a Chapter in *Equity and Contemporary Legal Problems* (The Hebrew University of Jerusalem, 1992).

Charles E. Clark and His Procedural Outlook: The Disciplined Champion of Undisciplined Rules, a Chapter in *Judge Charles E. Clark, New York University School of Law Ingram Documents in Legal History* (P. Petruck, ed., 1991).

Federal Rules, Local Rules, and State Rules: Uniformity, Divergence, and Emerging Procedural Patterns, 137 *U. Pa. L. Rev.* 1999 (and Preface, p. 1873) (1989).

Fireworks on the 50th Anniversary of the Federal Rules of Civil Procedure, 73 *Judicature* 4 (1989).

The Role of Local Rules, 75 *A.B.A. J.* 62 (1989) (with D. Coquillette and M. Squires).

David Dudley Field and the Field Code: A Historical Analysis of an Earlier Procedural Vision, 6 *Law and Hist. Rev.* 311 (1988).

How Equity Conquered Common Law: The Federal Rules of Civil Procedure in Historical Perspective, 135 *U. Pa. L. Rev.* 909 (1987).

The New Era in American Civil Procedure, 67 *A.B.A. J.* 1648 (1981).

The Law and the Rules, *The New York Times*, Nov. 10, 1979 (Op Ed page).

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A Statistical Study of Bankruptcy in Massachusetts, with Emphasis on the Bankruptcy Bar and an Examination of the Proposed Bankruptcy Acts, Parts I and II, 50 Am. Bankr. L.J. 137 (Spring, 1976), Parts III and IV, 50 Am. Bankr. L. J. 221 (Summer, 1976) (with J. Rugheimer).

Treating Blacks As If They Were White: Problems of Definition and Proof in Section 1982 Cases, 124 U. Pa. L. Rev. 1 (1975) (with J. Brown and D. Givelber).

There Are No Good Advocates in Cubbyholes, Learning and the Law, Winter, 1975 (with J. Brown and D. Givelber).

Notice and the Right to Be Heard: the Significance of Old Friends, 9 Harv. C.R.-C.L. L. Rev. 449 (1974) (with A.R. Dykstra).

Class Action: Welfare, Trial, January/February, 1974 (with J. Sutton).

Welfare Class Actions in Federal Court: A Procedural Analysis, 8 Harv. C.R.-C.L. L. Rev. 21 (1973) (with J. Sutton).

Civil Procedure and Practice, Obtaining Jurisdiction Over Non-Registered Foreign Corporations: A Practical Discussion, Chapter in 1969 Annual Survey of Massachusetts Law.

Civil Procedure and Practice, The Summary Bill of Exceptions and the Case for Reform, Chapter in 1968 Annual Survey of Massachusetts Law.

Civil Procedure and Practice, Jurisdiction Over Non-Admitted Foreign Corporations and Adding Defendants After the Statute of Limitations Has Run, Chapter in 1967 Annual Survey of Massachusetts Law.

Chapter and Forms on Massachusetts Civil Procedure, Fourth, Fifth, Sixth and Seventh Annual Practical Skills Course Books (Massachusetts Continuing Legal Education, Inc., 1967-1972).

**UNIVERSITY ACTIVITIES (partial list)**

Law School:

Associate Dean for Experiential Education Appointments Comm., 2010-2011  
Curriculum Comm., 2011-2012  
Experiential Education Comm., 2009-2012  
Liaison to Alumni/Alumnae, 2003-2012  
Clerkship Committee, 2007-2008  
Faculty Appointments Committee, 2003-2004

Planning Committee for Progressive Lawyering Conference, 2002-2003  
Head Librarian Appointments Committee, 2002-2003  
Chair, Clinics and Institutes Committee, 2001  
Chair, Tenure Committee, 2000-2001  
Chair, Curriculum Committee, 1987 to 1992, 1997-1999,  
Former Chair: Appointments Committee, Co-op Committee,  
Clinics and Institutes Committee, Moot Court Committee.

University: Member, Law School Dean Selection Committee 1983-1984;  
Member, Provost Selection Committee, 1989-1990; Member, University Head  
Librarian Selection Committee, 2001; Member Senate Faculty Hearing Committee,  
2003-2004. Former law school representative to Computer Selection Committee,  
Law, Policy, and Society Program, and Administrator Review Committee.

**COMMUNITY (partial list)**

Testimony to U.S. Senate Committee (solicited written testimony), 2009.

Member, Mayor's Management Review Committee for the City of Boston. Chair,  
Subcommittee on Boston Public Schools. 1985-1986.

Member, Newton Superintendent of Schools Long Range  
Planning Committee, 1983-1984.

Member of Board, Lawyers Alliance for World Security  
(formerly LANAC), 1982 to 2005.

Trustee, All Newton Music School, 1981-1987.

Temple Israel, Brookline, MA:

Co-Chair, Continuing Education Committee, 1994 - 2000; Trustee, 1994 - 2005;  
Council member - 2005 - present; Rabbi Selection Committee, 1998; Assistant Rabbi  
Selection Committee, 2006, 2009; Acting Executive Director Selection Committee, 2006;  
Former Member, Social Action Committee, Long Range Planning Committee; Co-Chair,  
Riverway Project, 2001 - 2010; Voted Life-Time Trustee (2002). Education Committee,  
2008-2011, Chair, 2010-2012.