



**PROFESSIONAL EXPERIENCE (Cont.)**

- 1997-99      Assistant General Counsel, Koch Industries, Inc. (KII)
- Responsibilities:** Ensure that KII's Public Affairs Division's lobbying activities conformed to ethical standards. Create KII's legal reform vision and strategy to guide lobbying efforts on legal issues on the state and federal levels. Manage the application of KII's market-based management philosophy to KII's legal department.
- 1991-97      Assistant Professor of Business Ethics and Adjunct Professor of Law and Philosophy, Georgetown University
- Courses taught:** Ethics and Public Policy, Business Ethics, Social Responsibilities of Business, Legal History Seminar: Law and Equity (Georgetown Law Center)
- 1991-97      Senior Research Fellow, Kennedy Institute of Ethics, Washington, DC
- Spring 1994    Visiting Scholar, Social Philosophy and Policy Center, Bowling Green, OH
- 1989-91      Law and Humanities Fellow, Temple University School of Law
- Courses taught:** Bioethics, Criminal Law, Jurisprudence

**SCHOLARSHIP****Books:**

TRAPPED: WHEN ACTING ETHICALLY IS AGAINST THE LAW (2006)

**Law Review Articles:**

"The Centenary of a Mistake: One Hundred Years of Corporate Criminal Liability" forthcoming in 46 American Criminal Law Review (2009)

"The Depoliticization of Law" 9 THEORETICAL INQUIRIES IN LAW 529 (2008)

"Managing the Risks of Legal Compliance: Conflicting Demands of Law and Ethics," 39 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 507(2008)

"Foreword to Corporate Criminality: Legal, Ethical, and Managerial Implications," 44 AMERICAN CRIMINAL LAW REVIEW 1269 (2007)

"Confusion About Hayek's Confusion," 2 NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY 241 (2007)

"The Significant Meaninglessness of Arthur Andersen LLP v. United States," 2004-2005 CATO SUPREME COURT REVIEW 187 (2005)

"Ethics and the Problem of White Collar Crime," 54 AMERICAN UNIVERSITY LAW REVIEW 579 (2005)

**Law Review Articles (Cont.):**

“Hayek, Common Law, and Fluid Drive,” 1 NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY 79 (2005) (Anthologized in MARIO RIZZO, AUSTRIAN LAW AND ECONOMICS)

“Equal Opportunity, Affirmative Action, and the Anti-Discrimination Principle: The Philosophical Basis for the Legal Prohibition of Discrimination,” 71 FORDHAM LAW REVIEW 423 (2002)

“Once More unto the Breach: The Inherent Liberalism of the Criminal Law and Liability for Attempting the Impossible,” 54 HASTINGS LAW JOURNAL 1 (2002)

“The Dangerous Dichotomy of *Democracy’s Discontent* or Michael Sandel and the Fallacy of the False Dilemma,” 85 GEORGETOWN LAW JOURNAL 2139 (1997)

“What’s Wrong with a Little Tort Reform?” 32 IDAHO LAW REVIEW 557 (1996)

“Back to the Future: From Critical Legal Studies Forward to Legal Realism, or How Not to Miss the Point of the Indeterminacy Argument,” 45 DUKE LAW JOURNAL 84 (1995)

“From Cannibalism to Caesareans: Two Conceptions of Fundamental Rights,” 89 NORTHWESTERN UNIVERSITY LAW REVIEW 900 (1995)

“The Myth of the Rule of Law,” 1995 WISCONSIN LAW REVIEW 199 (1995) (Anthologized in ED STRINGHAM, ANARCHY AND THE LAW)

“Affirmative Action and the New Discrimination: A Reply to Duncan Kennedy,” 54 LOUISIANA LAW REVIEW 263 (1993)

**Peer Reviewed and Other Journal Articles or Book Chapters:**

“The Mirage of Product Safety,” forthcoming in THE OXFORD HANDBOOK OF BUSINESS ETHICS (2009)

“Two Theories of Environmental Regulation,” 26 SOCIAL PHILOSOPHY AND POLICY 95 (2009)

“The Obviousness of Anarchy,” in ANARCHISM/MINARCHISM: IS A GOVERNMENT PART OF A FREE COUNTRY? 111 (2008)

“Up From Flatland: Business Ethics in the Age of Divergence,” 17 BUSINESS ETHICS QUARTERLY 399 (2007) (Best Paper, 2006 Society for Business Ethics annual conference)

“Unethical Compliance and the *Non Sequitur* of Academic Business Ethics” 21 JOURNAL OF PRIVATE ENTERPRISE 87 (2006) (Anthologized in K. NAGA SRI VALLI, WHITE COLLAR CRIMES: A DEBATE)

“Toward a Theory of Empirical Natural Rights,” 22 SOCIAL PHILOSOPHY AND POLICY 111 (2005) (Anthologized in MARIO RIZZO, AUSTRIAN LAW AND ECONOMICS and CARLOS A. PRIMO BRAGA & OLIVIER CATTANEO, THE WTO AND ACCESSION COUNTRIES)

“Reflections on the Minimal State,” 2 POLITICS, PHILOSOPHY AND ECONOMICS 115 (2003) (Anthologized in MARIO RIZZO, AUSTRIAN LAW AND ECONOMICS)

**Peer Reviewed and Other Journal Articles or Book Chapters (Cont.):**

“Ethics and Information Systems: The Corporate Domain” (with H. Jefferson Smith) 23 *MANAGEMENT INFORMATION SYSTEMS QUARTERLY* 109 (1999)

“The Normative Theories of Business Ethics: A Guide for the Perplexed,” 8 *BUSINESS ETHICS QUARTERLY* 19 (1998) (Anthologized in *BEAUCHAMP AND BOWIE, ETHICAL THEORY AND BUSINESS*, 7th ed. and in *ALLHOFF & VAIDYA, BUSINESS ETHICS*)

“Are There Derivative Natural Rights?” 9 *PUBLIC AFFAIRS QUARTERLY* 215 (1995)

**Works in Progress:**

“Between Scylla and Charybdis: Ethical Dilemmas of Corporate Counsel in the World of the Holder Memorandum” 2009 Tabor Lecture, Tabor Institute on Legal Ethics, to be published in *Valparaiso University Law Review* (2009)

“The Supreme Court and the Meaning of Life: A Legal and Philosophical Primer on the Right to Die,” Presented at the Health Law Scholars Workshop, St. Louis University School of Law

**Columns:**

“The ‘Unseen’ Deserve Empathy, Too,” *Wall Street Journal*, May, 29 2009

“Felony Inc.,” *Worth Magazine*, January 2007

“Do Nothing,” *Wall Street Journal*, September 16, 2006

“End the Draft,” *National Law Journal*, April 24, 2006

“Department of Coercion,” *Wall Street Journal*, March 11, 2006

“Diversity Thumbs on the Scales” *Washington Times*, June 22, 2003

“Too Much Official Power,” *National Law Journal*, May 5, 2003

“Racial Preferences, Even If for Good, Open Door to Future Abuse,” *Detroit Free Press*, March 27, 2003

“Novel View of Election Money,” *National Law Journal*, January 29, 2001

“Rick-Hil Deal Is How to End Soft Money,” *N.Y. Daily News*, October 4, 2000

“New Life for Smokers,” *Washington Post*, August 20, 1995

“Establishing an Ethical Framework,” (with Jeff Smith) *Beyond Computing* magazine, January/February 1994

“Debating the Stakeholder Theory,” (with Jeff Smith) *Beyond Computing* magazine, March/April 1994.

**Columns (Cont.):**

“Overgrazing Till the Cows Come Home,” L.A. Times, November 1, 1992

“The Tragedy of the Commons—and the Congress,” Baltimore Sun, November 20, 1992

**Other Publications:**

“Criminalizing Corporate Conduct: How Far Is Too Far?” Point of Law.com Featured Discussion, July 27-31, 2009

“*Mens Rea* Requirement: A Critical Casualty of Overcriminalization,” Washington Legal Foundation Paper, December 12, 2008

“Sins of the Children: Punishing Businesses for Employees’ Crimes,” Heritage Foundation Web Memo, August 16, 2006

“Who Put the Public in Public Philosophy?” 8 THE GOOD SOCIETY 19 (1998)

“Sexual Harassment” in Werhane and Freeman, *The Blackwell Encyclopedic Dictionary of Business Ethics* (1997)

“The Social Responsibility of Corporations and How to Make It Work for You” 44 THE FREEMAN 332 (1994)

**Case Studies:**

“An Explosive Problem at Gigantic Motors” in TOM L. BEAUCHAMP, CASE STUDIES IN BUSINESS, SOCIETY, AND ETHICS (5th. ed. 2004)

“Stirling Bridge Tool and Machinery Company” in TOM L. BEAUCHAMP, CASE STUDIES IN BUSINESS, SOCIETY, AND ETHICS (5th. ed. 2004)

“Awkward Advances at Your Old House Magazine” in TOM L. BEAUCHAMP, CASE STUDIES IN BUSINESS, SOCIETY, AND ETHICS (5th. ed. 2004)

“Rumpole's Revenge or Women in Catering” in TOM L. BEAUCHAMP, CASE STUDIES IN BUSINESS, SOCIETY, AND ETHICS (5th. ed. 2004)

“Confronting Harassment” in THOMAS DONALDSON AND PATRICIA WERHANE, ETHICAL ISSUES IN BUSINESS (5<sup>th</sup> ed. 1996)

“The Hazards of the Enterprise” in THOMAS DONALDSON AND AL GINI, CASE STUDIES IN BUSINESS ETHICS (4<sup>th</sup> ed. 1996)

“Gender Issues at Your House” in THOMAS DONALDSON AND AL GINI, CASE STUDIES IN BUSINESS ETHICS (4<sup>th</sup> ed. 1996)

**EDITORIAL POSITIONS**

Editorial Board, Business Ethics Quarterly  
Editorial Board, Annals of Bioethics

**LECTURES AND PROFESSIONAL PRESENTATIONS:**

2009 Tabor Lectures, Tabor Institute on Legal Ethics, Valparaiso University School of Law, Valparaiso, IN, March, 2009:

- Bench and Bar Lecture: “Between Scylla and Charybdis: Ethical Dilemmas of Corporate Counsel in the World of the Holder Memorandum”
- Public Lecture: “Of Sirens, Shepherds, and Lawyers: Imagery and the Attorney’s Ethical Obligation”

“Did Nineteenth Century Legal Reform Enable the Regulatory State?” Center for the History of Political Economy, Duke University, Durham, NC, March 2009

“The Supreme Court and the Meaning of Life,” American Constitutional Society, Duke University School of Law, Durham, NC, March 2009

“Law and the Market: The Failure of the Market Failure Argument,” Rhodes College, Memphis, TN, November 2008

Commentator for “The Roles of Standardization, Certification, and Assurance Services in Global Commerce,” at Symposium on Corporate Social Responsibility: Law, Operations, and Strategy, Georgetown University Law Center, November 2008

“Ethical Controversies in Ethnic Medicine,” Symposium on Ethnic Influences in Cardiovascular Disease, Orlando, FL, October 2008

“When is it Unethical to Obey the Law?” Cumberland School of Law, Birmingham, AL, October 2008

Director, “Tort Law, Liberty, and Responsibility,” Liberty Fund colloquium, Alexandria, VA, September, 2008

“Federal Prosecution of Corporate Crime,” University of Miami School of Law, Miami FL, September 2008

Invited participant, Social Philosophy and Policy Center/Liberty Fund conference “Liberty and Environmentalism,” Orlando FL, June 2008

“What’s Wrong with Punishing the Innocent,” University of Cincinnati College of Law, Cincinnati, OH January 2008

“What’s Wrong with Punishing the Innocent,” Northern Kentucky University Chase College of Law, Cincinnati, OH, January 2008

**LECTURES AND PROFESSIONAL PRESENTATIONS (CONTINUED):**

Academic participant, Mitchell Forum on Ethical Leadership, Naples, FL, January 2008

Director, "Hayek, the Common Law, and Liberty," Liberty Fund colloquium, Alexandria, VA, December, 2007

"Corporate Criminal Liability: Conflict between Law and Ethics," Thomas Jefferson School of Law, November 2007

"Depoliticized Law and the Rule of Law," New York University Austrian Economics Colloquium, New York, November 2007

"The Ethics of Compliance," Symposium on Unearthing Corporate Wrongdoing: Detecting and Dealing with Ethical Breaches in the Business World, University of Dayton School of Law, October 2007

"The Ethical Impropriety of Corporate Criminal Punishment," Annual Conference of the Society for Business Ethics, Philadelphia, PA, August 2007

"What's Wrong with Punishing the Innocent," Annual Conference of the South Eastern Association of Law Schools conference, Amelia Island, FL, July 2007

"The Depoliticization of Law" Cegla Center International Conference on Legal Pluralism, Privatization of Law and Multiculturalism, Tel Aviv, Israel, May 2007

"When Acting Ethically is Against the Law," Keynote Address, Conference on Integrated Risk Management and Corporate Governance, Loyola University, Chicago, April 2007

Organizer/Director, Georgetown Business Ethics Institute/American Criminal Law Review Symposium: *Corporate Criminality: Legal, Ethical, and Managerial Implications*, March 2007

"What's Wrong with Punishing the Innocent," Georgetown Law Center Faculty Retreat, February, 2007

Panelist, "Syria: Fact or Fiction," ABA Young White Collar Lawyers Subcommittee, Washington, DC, February 2007

"White Collar Crime and Shareholder Wealth," Wake Forest School of Law, January 2007

"Criminalization of Commercial Activity and Its Consequences," AEI-Brookings Civil Justice Symposium, Georgetown Law Center, December 2006

"Punishing Businesses for Employees Crimes," American College of Business Court Judges, Washington, DC, November 2006

"Are Technology Entrepreneurs Crooks?" Gilder/Forbes Telecosm Conference, Lake Tahoe, CA, October 2006

"Business Ethics and the Federal Campaign Against White Collar Crime," Loyola School of Business, New Orleans, LA, September, 2006

**LECTURES AND PROFESSIONAL PRESENTATIONS (CONTINUED):**

“The Ideal System of Tort Law,” Association of American Physicians and Surgeons, Phoenix, AZ, September 2006

Panelist, Corporate Criminality, Brooklyn Law School, September 2006

“Sins Of The Children: Punishing Businesses For Employees’ Crimes,” Heritage Foundation, August 16, 2006

“Up From Flatland: Business Ethics in the Age of Divergence,” Society for Business Ethics annual conference, August 2006

Director, “Hayek, the Common Law, and Liberty,” Liberty Fund colloquium, Arlington, VA, July, 2006

Book Forum on “Trapped: When Acting Ethically is Against the Law,” with Alice Fisher, Assistant Attorney General, Criminal Law Division as commentator, Cato Institute, April 2006

“Royal Rent-Seeking and the Emergence of Criminal Law,” Plenary addresses, Association of Private Enterprise Education annual conference, April 2006

Director, Corporate Ethical Responsibility in the Contemporary Business Environment, Liberty Fund colloquium, Arlington, VA, February 2006

“Toward a Three Dimensional Theory of Business Ethics,” Ross School of Business, University of Michigan, September 2005

“Deputizing Company Counsel as Agents of the Federal Government,” Cato Institute, April 2005

“Hayek's Confusion, or Customary Misconceptions of Common Law and Common Misconceptions of Customary Law” American Philosophical Association, Eastern Division Meeting, December 2004

“Hayek, Common Law, and Fluid Drive,” New York University School of Law, November 2004

“Ethics and the Problem of White Collar Crime,” Washington College of Law, American University, October 2004

“The Supreme Court and the Meaning of Life: A Legal and Philosophical Primer on the Right to Die” Health Law Scholars Workshop, St. Louis University School of Law, September 2004

“The First Amendment and the Right to Freedom of Speech,” Koch Summer Fellows Program, July 2004

“Ethics and the Problem of White Collar Crime,” Presentation to Congressional staff, Rayburn House Office Building, June 2004

Invited Participant, Workshop on Morality and Capitalism, University of North Carolina, April 2004

Director, Liberty Fund Colloquium, “Liberty and Corporate Ethical Responsibility in the Contemporary Business Environment,” March 2004

**LECTURES AND PROFESSIONAL PRESENTATIONS (CONTINUED):**

“Ethics and the Problem of White Collar Crime,” McDonough School of Business, Georgetown University, February, 2004

Invited Participant, Social Philosophy and Policy Center Conference: Natural Rights Liberalism from Locke to Nozick, September 2003

“The Philosophical Basis of Anti-discrimination Law,” Koch Summer Fellows Program, June 2003

“Reflections on the Minimal State,” APEE Annual Conference, March 2003

“The Economics of Tort Law” Mercatus Center Capitol Hill Course, October 2002

“Common Law and the Environment” University of North Carolina, November, 2001

“Reflections on the Minimal State,” Austrian Economics Colloquium, New York University, October 2001

“Equality and Discrimination,” Mercatus Center Executive Seminar Series, Capitol Hill, August 2000

“Campaign Finance Reform: The Benefits of a Bad Idea,” Koch Summer Fellows Program, June 2000

“Equal Opportunity, Affirmative Action, and the Anti-Discrimination Principle,” J. M. Kaplan Workshop in Politics, Philosophy and Economics, George Mason Department of Economics, April 2000

“Law and Economics Seminar: Tort Law,” Mercatus Center Capitol Hill Course, June 1999

“Restitution and the Criminal Law,” Washington University School of Law, February 1999

“How the Provisions of Oxford of 1259 Protected Agnes Syster from the Predations of Arthur Murray Dance Studio #51540,” Centers for the Study of Emerging Institutions Conference, Reykjavík, Iceland, October 1998

Panelist, “Judgment Day: A Lawyer’s Soul on Trial,” Ethics CLE presentation, Robert T. Roberts Inn of Court, Kansas City, Missouri, September 1998

“Corporate Responsibility,” Conference on “Ethics, Law, and the Tobacco Industry,” Virginia Commonwealth University, November 1997

“Three Theories of Discrimination,” University of Texas, Austin, March 1997

“How the Provisions of Oxford of 1259 Made Ronald Dworkin a Star (and Incidentally Helped Give Rise to the Critical Legal Studies Movement),” University of Missouri-St. Louis, February 1997

“Considerations on Liberty, the Rule of Law, Shoes, and Unrequited Love,” Washington and Lee University, January 1997

“The Economics of Tort Reform,” Southern Economic Association Conference, November 1996

**LECTURES AND PROFESSIONAL PRESENTATIONS (CONTINUED):**

“A Tale of Two Tort Systems,” George Mason University School of Law, November 1996

“Overconsumption, Environmental Ethics, and the Common Law,” Central Division Meeting of the American Philosophical Association, April 1996

Public Radio, “New York Beat,” WNYC, Interview concerning smoking and the Americans with Disabilities Act, August 1995

“How the Provisions of Oxford of 1259 Made Ronald Dworkin a Star (and Incidentally Helped Give Rise to the Critical Legal Studies Movement),” Stanford Law School, April 1995

“Considerations on Liberty, the Rule of Law, Shoes, and Unrequited Love,” Loyola University, New Orleans, Business School/Economics Department, March 1995

“Common Law, Legislation, and Market Failure,” Loyola University, New Orleans, Business School/Economics Department, March 1995

“Critical Legal Studies, Legal Realism, and Public Choice,” New York University Department of Economics, November 1994

“How the Provisions of Oxford of 1259 Made Ronald Dworkin a Star (and Incidentally Helped Give Rise to the Critical Legal Studies Movement),” Social Philosophy and Policy Center, April 1994

“How Not to Miss the Point of the Indeterminacy Argument,” Social Philosophy and Policy Center, March 1994

“From Cannibalism to Caesareans: Two Concepts of Fundamental Rights,” Pacific Division Meeting of the American Philosophical Association, March 1994

“Affirmative Action in the Legal Academy,” University of Toledo School of Law, February 1994

“Back to the Future: From Critical Legal Studies Forward to Legal Realism or How Not to Miss the Point of the Indeterminacy Argument,” American Philosophical Association, December 1993

Public Television, “The Open Mind,” WNYC, New York, September, 1993

“Affirmative Action and the New Discrimination in Academic Hiring,” Pacific Division Meeting of the American Philosophical Association, March 1993

“Why the Law Should Not Recognize Welfare Rights,” Washington and Lee University School of Law, March 1992

“Law and Spontaneous Order: Classical Liberalism Meets the Critical Legal Studies Movement,” University of Virginia School of Law, February 1992