

Honorable Ronald A. Cass

Biographical Information

Honorable Ronald A. Cass is Dean Emeritus of Boston University School of Law, where he was Dean from 1990-2004, former Vice-Chairman and Commissioner of the U.S. International Trade Commission, Chairman of the Center for the Rule of Law (an independent, non-profit center of international scholars analyzing rule of law issues), and President of Cass & Associates, PC (a legal consultancy). Dean Cass also sits as an arbitrator or mediator for commercial, international, and intellectual property rights disputes, and is a United States member of the Panel of Conciliators of the International Centre for Settlement of Investment Disputes. In addition, he is a member of the Council of the Administrative Conference of the United States. He has received five presidential appointments, spanning Presidents Ronald Reagan to Barack Obama.

As a law professor, lecturer, and scholar, Dean Cass has been teaching and writing about a wide array of legal issues on topics such as antitrust law, intellectual property law, administrative law and regulation, and legal process. He has taught judges, law students, economics students, and others. He is a frequent contributor of opinion commentary to an array of print and electronic media, and has been a commentator on radio and television shows (including CNN, Fox News, MSNBC, CNBC, NPR, and others) as well as for print media.

Dean Cass has participated in numerous important legal cases as an amicus, consultant, or expert, and has advised businesses, law firms, investment funds, and government agencies (including the U.S. Department of Justice, United States Trade Representative's office, Federal Trade Commission, Federal Communications Commission, International Trade Commission, Administrative Conference of the United States, and the United Nations Conference on Trade and Development) on a range of trade, antitrust, intellectual property, and regulatory issues. He has a broad range of affiliations with professional groups, and has received numerous honors, fellowships and awards.

Academic Appointments

Dean Emeritus, Boston University School of Law (2004-)

Dean, Boston University School of Law (1990-2004)

Melville Madison Bigelow Professor, Boston University (1995-2004)

Professor of Law, Boston University (1983-2004)

Associate Professor of Law, Boston University (1981-1983)

Sesquicentennial Associate, Center for Advanced Studies, University of Virginia (1980-1981)

Assistant Professor of Law, University of Virginia (1976-1981)

Distinguished Lecturer and Professeur invité, Faculté d'Économie Appliqué, Université d'Aix-Marseille III (Université Paul Cézanne) (2002, 2006-)

Professeur invité, Université Jean Moulin-Lyon 3, Institute of Comparative Law Édouard Lambert (2004-2005)

Senior Fellow, International Centre for Economic Research, Università di Torino (2004-)

Government Appointments

Presidential Appointments:

Council Member, Administrative Conference of the United States (2010-)
(*appointed by* President Barack Obama; term ends July 2013)

United States Representative, Panel of Conciliators – International Centre for Settlement of Investment Disputes, World Bank (2009-)
(*appointed by* President George W. Bush; term ends January 2015)

Vice Chairman, United States International Trade Commission (1989-1990)
(*appointed by* President George H.W. Bush)

Commissioner, United States International Trade Commission (1988-1990)
(*appointed by* President Ronald W. Reagan; *Senate confirmation*)

Commissioner, United States International Trade Commission (1988)
(*on recess appointment by* President Ronald W. Reagan)

Other Government Appointments:

Special Nominating Committee for Selection of Justices for the Supreme Judicial Court, Commonwealth of Massachusetts, Member (1999-2000)

Selection Commission for the Director of Campaign and Political Finance, Commonwealth of Massachusetts, Member (1994-2004)

Public Member, Administrative Conference of the United States (1990-1995)

Government Member, Administrative Conference of the United States (1988-1990)

Advisor, Office of Plans and Policy, Federal Communications Commission (1987-1988)

Selected Affiliations

American Law Institute: Life Member; Advisor, Project on Principles of Law of World Trade

American Law Deans Association, President (1995-1997); Board of Directors (1995-2004)

American Bar Association: Standing Committee on the Federal Judiciary; Special Advisor, Standing Committee on Amicus Curiae Briefs; Council Member, Section on International Law; Liaison to World Trade Organization; former Chairman, Section on Administrative Law & Regulatory Practice; former member, House of Delegates

American Bar Foundation: Life Member

Federalist Society for Law & Public Policy: Chairman, Administrative Law and Regulation Practice Group; former Chairman, International and National Security Law Practice Group

Mont Pèlerin Society

Roger Williams University School of Law, Bristol, Rhode Island: Board of Directors (2005-)

Trans-Atlantic Policy Network, Brussels and Washington, D.C.: U.S. Working Group (1995-); Rapporteur, Intellectual Property Task Force (2005-2007)

Education

University of Virginia, B.A. (high distinction); Echols Scholar; Phi Beta Kappa; Phi Eta Sigma; Raven Society

University of Chicago, J.D. (honors); Comment Editor, University of Chicago Law Review; Joseph Henry Beale Prize; Order of Coif

Areas of Law

Administrative Law & Regulation

Antitrust/Competition Law

Constitutional Law

First Amendment/Free Speech

Intellectual Property Law

International Trade Law

Rule of Law/Legal Process/Judiciary

Selected Publications

Over 120 scholarly articles, books, and other legal publications; also published op-eds and commentaries for syndication and for publications such as the Wall Street Journal (US, Europe and Asia editions), International Herald Tribune, Los Angeles Times, New York Times, Boston Globe, Forbes, Boston Herald, Washington Times, Miami Herald, Dallas Star Telegram, and the Houston Chronicle. Representative publications include:

Books:

Laws of Creation: Property Rights in a World of Ideas (with Keith N. Hylton), Harvard University Press (forthcoming 2012)

Administrative Law (with Colin S. Diver, Jack M. Beermann & Jody Freeman), Aspen Law & Business/WoltersKluwer (6th edition 2011)

International Trade Law – International Library of Essays in Law and Legal Theory, 2d Series (with Michael Knoll editors), Ashgate Publishing Co. (2003)

The Rule of Law in America, Johns Hopkins University Press (2001)

International Trade in Telecommunications (with John Haring), MIT Press (1998)

Revolution in the Wasteland: Value and Diversity in Television, University of Virginia Press (1981)

Journal Articles:

Antitrust for High-Tech and Low: Regulation, Innovation, and Risk, 9 Journal of Law, Economics & Policy (forthcoming 2013)

Competition in Antitrust Regulation: Law Beyond Limits, 6 Journal of Competition Law & Economics 119 (2010)

The Rule of Law in Time of Crisis, 51 Howard University Law Review 101 (2008)

The Presidential Signing Statements Controversy (with Peter L. Strauss), 16 *William & Mary Bill of Rights Journal* 11 (2007)

Massachusetts v. EPA: The Inconvenient Truth About Precedent, 93 *Virginia Law Review In Brief* 73 (2007)

Antitrust Intent (with Keith N. Hylton), 74 *University of Southern California Law Review* 657 (2001)

Domestic Regulation and International Trade: Where's the Race?—Lessons From Telecommunications and Export Controls (with John R. Haring), 11 *Journal des Économistes et des Études Humaines* 531-574 (2001) [also published in *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec*, Daniel L.M. Kennedy & James D. Southwick editors, Cambridge University Press (2002)]

Money, Power, and Politics: Governance Models and Campaign Finance Regulation, 6 *Supreme Court Economic Review* 1 (1998)

Economics and International Law, 29 *New York University Journal of International Law & Politics* 473 (1997)

Judging: Norms and Incentives of Retrospective Decision-making, 75 *Boston University Law Review* 942 (1995)

Privacy and Legal Rights, 41 *Case Western Reserve Law Review* 867 (1991), Symposium on The Right to Privacy: 100 Years Later

The Government Contractor Defense: Contractual Allocation of Public Risk (with Clayton P. Gillette), 77 *Virginia Law Review* 257 (1991)

Commercial Speech, Constitutionalism, Collective Action, 56 *University of Cincinnati Law Review* 1317 (1988)

Privatization: Politics, Law, and Theory, 71 *Marquette Law Review* 449 (1988) [reprinted in *Selling the Prisons: In Search of Solutions to the Corrections Crisis*, Samuel Jan Brakel editor, The Independent Institute (1990); *Foundations of Administrative Law*, Peter Schuck editor, Oxford University Press (1994)]

The Perils of Positive Thinking: Constitutional Interpretation and Negative First Amendment Theory, 34 *UCLA Law Review* 1405 (1987) [reprinted in *The First Amendment Handbook*, James Swanson editor, Clark Boardman Callaghan (1990); *Readings on the First Amendment*, John Garvey & Frederick Schauer editors, West Publishing Co. (1993)]

Damage Suits Against Public Officers, 129 *University of Pennsylvania Law Review* 1110 (1981) [reprinted by American Trial Lawyers Association]

First Amendment Access to Government Facilities, 65 *Virginia Law Review* 1287 (1979)

White Papers, Commentaries & Other Writings:

Self-Protectionism: The Economics and Politics of Trade, 10 Engage 104 (July 2009)

Liberty and Property: Human Rights and the Protection of Intellectual Property, Washington Legal Foundation, Critical Legal Issues Series, Working Paper No. 161 (January 2009)

The Supreme Court's Standing Problem, 9 Engage 4 (Supreme Court Issue) (October 2008)

Compulsory Licensing of Intellectual Property: The Exception that Ate the Rule?, Washington Legal Foundation, Critical Legal Issues Series, Working Paper No. 150 (September 2007)

Legal Process and the Rule of Law: Where Do We Stand?, Boston Bar Journal (March 2007)

The Sincerest Form of Flattery: China and Protection of Intellectual Property Rights, Washington Legal Foundation Backgrounder (November 2005)

Review of Government 2.0: Using Technology to Improve Education, Cut Red Tape, Reduce Gridlock, and Enhance Democracy, 30 Administrative & Regulatory Law News 14 (Summer 2005)

Tying Doctrine: Changing Views, (with Keith N. Hylton), National Law Journal (June 28, 2004)

Property Rights Systems and the Rule of Law, International Centre for Economic Research Working Paper Series (September 2003) (revised version)

Amicus Briefs:

List available on request

Selected Arbitrations/Mediations

Prometheus Laboratories, Inc. v. Rosetta Genomics, Ltd (ICC arbitration, contract dispute)

Bernardus Henricus Funnekotter et al. v. Republic of Zimbabwe (ICSID arbitration, property takings dispute)

United Parcel Service v. Government of Canada (NAFTA-UNCITRAL Investor-State dispute)

Telesisa Sistemas v. Lucent Technologies (dispute over technology licensing and finance agreement (AAA))

Biogen v. Schering-Plough (dispute over patent licensing agreement)

Complete c.v. available on request