

BENJAMIN H. BARTON
Professor of Law
The University of Tennessee College of Law
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ACADEMIC POSITIONS

The University of Tennessee College of Law, Knoxville TN.

Professor of Law. 2010-Present.

Director of Clinical Programs. 2007-2011.

Associate Professor of Law. 2001-2010.

Research Fellow, The University of Tennessee Center for the Study of Social Justice. 2008-Present.

- **2011-Present.** Teach Evidence, Torts I, Torts II, Comparative Law and Images of the Law.
- **Director of Clinical Programs, 2007-2011.** Oversee all Clinical and Externship Programs at the University of Tennessee College of Law. Manage five person staff, seven tenured or tenure-track faculty, and multiple adjunct faculty in the operation of our various legal clinics. Helped found three new clinical programs: environmental clinic, wills clinic and innocence clinic.
- **2001-2011.** Taught six-credit Advocacy Clinic and Torts. Clinic represents indigent clients in criminal and civil matters. Responsibilities in the clinic include supervising cases, teaching seminar classes twice weekly, and helping to design course curriculum and student simulations. Supervise trials, oral arguments, and preliminary hearings. Edit and rewrite motions and appellate briefs. Provide intensive one-on-one instruction in all aspects of lawyering. Personally carry substantial *pro bono* and clinic spillover caseload.
- Research focuses on multi-disciplinary study of the American judiciary.
- Board Member and Editor of the peer-reviewed journal *The Clinical Law Review*, 2007-present.

Downing College, Cambridge University. Cambridge U.K.

Visiting Professor of Law. Summer, 2011.

- Taught Comparative Law.

Arizona State University College of Law, Tempe, AZ.

Visiting Clinical Professor. 1999-2001.

AWARDS

- 2010 LSAC Philip D. Shelton Award for outstanding research in legal education for article *Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical Study*.
- 2010 Carden Award for Outstanding Achievement in Scholarship.
- Knoxville's "40 under 40" for young professionals making a difference, 2009.
- Outstanding Faculty Advisor Award for UT Pro Bono, 2001-2002, 2003-2004.
- Marilyn V. Yarbrough Faculty Award for Writing Excellence, 2003.

PUBLICATIONS

Books and Book Chapters

- BENJAMIN H. BARTON, *THE LAWYER-JUDGE BIAS IN THE AMERICAN LEGAL SYSTEM* (Cambridge University Press 2011). As featured in the Washington Examiner, <http://washingtonexaminer.com/opinion/columnists/2011/02/sunday-reflection-does-america-have-lawyer-problem-or-law-problem>, the Sydney Morning Herald, <http://www.smh.com.au/opinion/politics/tobacco-cases-reignite-debate-over-the-complex-legal-system-and-bias-20110210-1aojh.html>, and truth on the market, <http://truthonthemarket.com/2011/02/21/a-nation-of-lawyers-and-judges/>.
- Benjamin H. Barton, *The Lawyer-Judge Hypothesis*, in *THE PURSUIT OF JUSTICE: LAW AND ECONOMICS OF LEGAL SYSTEMS* (Edward J. Lopez, ed., Palgrave 2010).
- Benjamin H. Barton, *Harry Potter and the Half-Crazed Bureaucracy*, in *SOCIAL ISSUES IN LITERATURE: POLITICAL ISSUES IN J.K. ROWLING'S HARRY POTTER SERIES* (Dedria Bryfonski, ed., Gale Publishers 2009). Also Reprinted in *HARRY POTTER AND THE LAW* (Jeffrey E. Thomas, ed., Carolina Academic Press 2010).

Articles

- Benjamin H. Barton & Stephanos Bibas, *Triaging Appointed-Counsel Funding and Pro Se Access to Justice*, 160 U. PENN. L. REV. __ (2012).
- Benjamin H. Barton, *An Article I Theory of the Inherent Powers of the Federal Courts*, 61 CATH. U. L. REV. __ (2011).

- Benjamin H. Barton, *Harry Potter Och Den Farliga Staten*, NEO, Aug. 2011, at 65 (essay on Harry Potter and Libertarianism translated into Swedish for Swedish academic publication).
- Benjamin H. Barton, *Against Civil Gideon (and for Pro Se Court Reform)*, 62 FLA. L. REV. 1227 (2010). As featured in the ABA Journal (http://www.abajournal.com/magazine/article/a_sour_note_from_gideons_trumpet/).
- Benjamin H. Barton, *Saving Law Reviews From Political Scientists: A Defense of Lawyers, Law Professors, and Law Reviews*, 45 GONZ. L. REV. 189 (2009) (Reviewing Robert J. Spitzer, *Saving the Constitution from Lawyers* (2008)).
- Benjamin H. Barton, *Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical Study*, 5 J. EMPIRICAL L. STUD. 619-44 (2008). Peer-reviewed journal hosted by Cornell Law School.
- Benjamin H. Barton, *A Tale of Two Case Methods*, 75 TENN. L. REV. 233-50 (2008). As featured in the Wall Street Journal Law Blog (<http://blogs.wsj.com/law/2007/10/30/should-law-schools-adopt-the-b-school-case-method/>).
- Benjamin H. Barton, *Do Judges Systematically Favor the Interests of the Legal Profession?*, 59 ALA. L. REV. 1-55 (2007). As featured in the New York Times (<http://select.nytimes.com/2007/08/27/us/27bar.html>) and the Wall Street Journal Law Blog (<http://blogs.wsj.com/law/2007/06/19/do-judges-favor-the-interests-of-the-legal-profession/>).
- Benjamin H. Barton, *Tort Reform, Innovation, and Playground Design*, 57 FLA. L. REV. 265-304 (2006).
- Benjamin H. Barton, *Harry Potter and the Half-Crazed Bureaucracy*, 104 MICH. L. REV. 1523-38 (2006). (Reviewing J.K. Rowling, *Harry Potter and the Half-Blood Prince* (2005)). As featured in the 2007 Time Magazine Person of the Year Issue (http://www.time.com/time/specials/2007/personoftheyear/article/0,28804,1690753_1695388_1695436,00.html).
- Benjamin H. Barton, Joel Fishman, Daniel Austin Green, Timothy S. Hall, Andrew P. Morriss, Aaron Schwabach, James C. Smith, Jeffrey E. Thomas, Danaya Wright, *Harry Potter and the Law*, 12 TEX. WESLEYAN L. REV. 427-84 (2005).
- Benjamin H. Barton, *The ABA, the Rules, and Professionalism: The Mechanics of Self-Defeat and a Call for a Return to the Ethical, Moral, and Practical Approach of the Canons*, 83 N.C. L. REV. 411-80 (2005).

- Benjamin H. Barton, *The Emperor of Ocean Park: The Quintessence of Legal Academia*, 92 CALIF. L. REV. 585-608 (2004). (Reviewing Stephen L. Carter, *The Emperor of Ocean Park* (2002)).
- Benjamin H. Barton, *An Institutional Analysis of Lawyer Regulation – Who Should Control Lawyer Regulation, Courts, Legislatures, or the Market?*, 37 GA. L. REV. 1167-1250 (2003).
- Benjamin H. Barton, *Why Do We Regulate Lawyers? An Economic Analysis of the Justifications for Entry and Conduct Regulation*, 33 ARIZ. ST. L. J. 429-90 (2001).
- Benjamin H. Barton, Note, *Religion-Based Peremptory Challenges After Batson v. Kentucky and J.E.B. v. Alabama: An Equal Protection and First Amendment Analysis*, 94 MICH. L. REV. 191-216 (1995).
- Benjamin H. Barton, Book Notice, 94 MICH. L. REV. 1993-2008 (reviewing THE NATIONAL RESEARCH COUNCIL, *MEASURING POVERTY: A NEW APPROACH* (1995)).

SELECTED ACADEMIC PRESENTATIONS

- “Criminal Procedure and the Lawyer-Judge Bias,” **The University of Maryland Faculty Colloquium Series**, Baltimore, MD, November 2011.
- “The Lawyer-Judge Bias in Regulation of the Legal Profession,” **Lawyers as Conservators**, Michigan State University College of Law, East Lansing, MI, September 2011.
- “The Lawyer-Judge Bias,” **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Hilton Head, SC, July 2011.
- “Law Schools and Social Justice Work,” **Social Justice and the University**, Howard H. Baker Jr. Center for Public Policy, University of Tennessee, Knoxville, April 2011.
- “Developing the Next Generation of Lawyers: What Law Schools Are Doing to Develop Practice-Ready Graduates,” Invited Plenary Panelist, **Professional Development Institute**, Washington, DC, December 2010.
- “Clinical Theory, Jurisprudence, and the Law in Action,” **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Palm Beach, FL, July 2010.
- “An Empirical Study of Scholarly Productivity and Teaching Effectiveness in American Law Schools,” Invited Presenter and Award Recipient, **LSAC Annual Conference**, Fort Lauderdale, FL, June 2010.

- “The Feedback Circle in Clinical Programs,” Presenter and Legal Education Commenter, **The Southern California Innovation Project, “Making Better Lawyers” Conference**, The Center for Advanced Study in the Behavioral Sciences, Stanford University, May, 2010.
- “Against Civil *Gideon* (And for Pro Se Court Reform),” Presenter, **AALS Workshop on Clinical Legal Education**, Baltimore, MD, May 2010.
- “Southeastern Clinician’s Regional Workshop” and “Workshop on Empirical Law - Basic Statistics Tutorial for Law Professors,” Organizer for and presenter on two all day series of panels, **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Palm Beach, FL, July 2009.
- “Taking it to Scale: Best Practices and Beyond in The 21st Century,” Presenter, **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Palm Beach, FL, July 2009.
- “Affinity Group for Clinicians Interested in Scholarship,” Group Leader and Discussant, **AALS Workshop on Clinical Legal Education**, Cleveland, OH, May 2009.
- “Access to Justice,” Presenter, **Access to Justice Committee, Tennessee Supreme Court**, Knoxville, TN, February 2009.
- “Leading Legal Innovation,” Presenter and Small Group Discussion Leader, **Southern California Innovation Project Conference**, University of Southern California, December 2008.
- “The Case for the Business School Case Method,” Presenter, **The Future of Legal Education Conference**, The University of Washington Law School, Seattle, September 2008.
- “Promoting Faculty Scholarship: What Kind Of Scholarship Should Be Promoted?” Presenter, **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Palm Beach, FL, July 2008.
- “A Tale of Two Case Methods,” Presenter, **The Legal Clinic 60th Anniversary Conference**, The University of Tennessee College of Law, September 2007.
- “The ‘Ins’ and ‘Outs’ of Empirical Research,” Moderator and Presenter, **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Amelia Island, FL, July 2007.
- “Do Judges Systematically Favor the Interests of the Legal Profession?,” Presenter, **AALS Workshop on Clinical Legal Education**, New Orleans, LA, May 2007.

- “An Empirical Study of Scholarly Productivity and Teaching Effectiveness in American Law Schools,” Invited Presenter, **The Inaugural Conference on Empirical Legal Studies**, The University of Texas Law School, October, 2006.
- “Empirical Research Projects,” Moderator and Presenter, **Southeastern Association of Law Schools (SEALS) Annual Meeting**, Palm Beach, FL, July 2006.
- “Is There a Correlation Between Scholarly Productivity and Teaching Effectiveness in American Law Schools – An Empirical Study,” Villanova School of Law, April 2006 and Cumberland School of Law, March 2006.
- “What do the *Harry Potter* Novels Teach Us About the Structure and Value of Government, Bureaucracy, and Law and its Legitimacy and Enforcement?,” Presenter, **The Power of Stories: Intersections of Law, Culture, & Literature**, Gloucester, England, July 2005.
- “Tort Reform, Products Liability and Playground Design,” Faculty Presenter, the University of Tennessee College of Law, June 2005.
- “Roundtable – Multiple Teaching Methodologies in Clinical and Non-Clinical Courses,” Presenter, **Law and Society Association Annual Meeting**, Las Vegas, NV, June 2005.
- “Tort Reform, Products Liability, Innovation, the ‘Y2K Effect,’ and Playground Design,” Presenter, **AALS Workshop on Clinical Legal Education**, Chicago, IL, May 2005.
- “Debate on Gay Marriage,” Moderator, The University of Tennessee College of Law, October, 2004.
- "Workshop for the Future: Ethics, Professionalism, Reform," Panelist, **AALS Workshop on Clinical Education**, San Diego, 2004.
- "A Multi-Disciplinary Approach to the Problems of Legal Ethics: Lawyer Self-Regulation, *Hamartia*, and the Tragic Impulse for Self-Destruction," Presenter, **Southeastern Association of Law Schools (SEALS) Annual Meeting**, 2003.
- "The Challenges of Working with Social Workers and Other Professionals in the Clinic," Panelist, **AALS Workshop on Clinical Legal Education**, Vancouver, Can., 2003.
- "What I Learned from the MPRE: A Critique of Multiple Choice Ethics," Presenter, **AALS Workshop on Clinical Legal Education**, Vancouver, Can., 2003.
- Small Group Discussion Leader, **AALS Workshop on Clinical Legal Education**, 2003 and 2004.

- “The Geier Settlement,” Moderator and Presenter, The University of Tennessee College of Law, 2002.
- “An Institutional Analysis of Lawyer Regulation,” Faculty Presenter at Michigan Law School, Michigan State University College of Law, John Marshall Law School, the University of Tennessee College of Law, and Arizona State University College of Law, 2000-2001.
- “Why Do We Regulate Lawyers?” Faculty Presenter, Arizona State University College of Law, 2000.

SELECTED BRIEFS

- Turner v. Rogers, U.S. Supreme Court No 10-10, Amicus Brief for Law Professors in Support of Respondents.
- Sahyers v. Prugh, Holiday & Karatinos, U.S. Supreme Court No. 10-92, Petition for Writ of Certiorari and Reply Brief.
- Ross v. Broadway Towers, Inc., U.S. Supreme Court No. 07-417, Amicus Brief of the Housing Law Clinic Consortium in Support of Petitioners.

SERVICE

- Member, Board of Editors, The Clinical Law Review, 2007-present.
- UT College of Law Homeless Assistance Project, **Faculty Supervisor/Volunteer Attorney**, 2001-present.
- LAW SCHOOL COMMITTEE SERVICE: Governance Committee, 2011-12; Admissions Committee, 2010-12; Promotion committee of Alex Long, 2011-12; Tenure Committee of Robert Blitt (Chair), 2010-11; Law School Strategic Planning Committee, 2008-11; Appointments Committee, 2009-10; Communications Director Search Committee, 2009-10; Web Task Force, 2007-10; Advocacy Center Director Search Committee, 2007-08; Dean Search Committee, 2007-08; Faculty Development Committee, 2006-07; Clinic Director Search Committee, 2006-07; Dean Search Committee, 2005-2006; Geier Task Force, 2005-06; Appointments Committee, 2004-2005; Yarbrough Award Selection Committee, 2004-2006; Advocacy Center Director Search Committee, 2003-2004; Advocacy Concentration Committee, 2002-2003; TAPIL Fellowship Selection Committee, 2001-2002; Law School Committee on the Community, 2001-2002.
- UNIVERSITY OF TENNESSEE, KNOXVILLE COMMITTEE SERVICE – Academic Outreach and Engagement Council, 2009-10; Engaged Scholarship/Service Learning Committee, 2009-11.

- Chair of the Tennessee Chapter of the Order of the Coif, 2006-present.
- Tennessee Law Review, **Faculty Advisor**, 2004-07.
- UT College of Law LAMBDA, **Faculty Advisor**, 2002-07.
- First Year Students, **Faculty Advisor**, 2002-present.
- Constitutional Law Moot Court Team, **Coach**, 2002-2003; practice judge, 2001-present.
- National Trial Team, **Coach**, 2001-2002; practice judge, 2002-present.

PRO BONO AND PUBLIC INTEREST WORK

- The Bijou Theater, **Board Member**, 2009-present.
- Tennessee Justice Center, **Board Member**, 2001-07.
- **Volunteer Attorney**, 2001-present. Personally handled several clinic cases that were too complicated for student attorneys. Represented indigent clients on criminal charges in Sessions Court, Criminal Court, and Juvenile Court, instituted an SSI/disability appeal, and handled multiple housing and unemployment appeals in the Civil, Chancery, and Appellate courts. Consulted with the Fourth and Gill Neighborhood Association on freeway and environmental issues.
- **Judicial Advisor**, 2005-06. Served as an informal expert on judicial and professional ethics to Referee Cynthia Chapman and Judge Garrett of the Knox County Juvenile Court.
- Habitat for Humanity International, Guatemala and Bolivia. **Volunteer**. Summer 1996 and 1997.

EDUCATION

University of Michigan Law School - J.D. *Magna Cum Laude* 1996. 3.92 GPA.

- Jason L. Honigman Award for the senior Law Review Editor who displayed the most dedication to the Review.
- Member Order of the Coif.
- Contracts I Book Award, Professor Soper, Fall semester, 1993.
- Contracts II Book Award, Professor Soper, Spring semester, 1994.
- Labor Law Book Award, Professor St. Antoine, Spring semester, 1995.
- First Amendment Book Award, Professor Smith, Spring semester, 1995.
- Legal Process Book Award, Professor Kahn, Spring semester, 1996.

- Semi-finalist in the Campbell Moot Court competition, 1994-95.
- Family Law Project, Student Volunteer, 1995-96.

Michigan Law Review – Executive Note Editor, 1995-96.

- Selected student Note topics. Edited and approved each published Note. Managed six other student Note Editors. Published twenty-one Notes, a Michigan Law Review record.

Haverford College – B.A. 1991 with Honors in Religious Studies.

- Awarded Best Religion Thesis for a study of Soren Kierkegaard's *Fear and Trembling*.
- William J. Docherty Award for excellence and sportsmanship in intramural basketball.
- Guitarist and Band Manager in band Sea of Fuzz. 1987-1991.
- Teaching Assistant for Intro to Religious Studies. 1989-1990.

LEGAL EMPLOYMENT

Morgan, Lewis & Bockius, Princeton, NJ.

Associate. 1997-99.

- Litigation associate in five-lawyer New Jersey branch office of an international law firm. Served as first or second chair in three jury trials. Appeared and argued in both State and Federal Court on behalf of clients. Drafted numerous legal pleadings, including multiple appellate and New Jersey Supreme Court briefs.

Judge Diana Gribbon Motz, U.S 4th Circuit Court of Appeals, Baltimore, MD.

Law Clerk. 1996-97.

- One-year clerkship with Federal Appellate Judge. Worked on every aspect of appellate process: drafted bench memos, prepared the Judge for oral argument, attended argument, and drafted and redrafted opinions.

Shea & Gardner, Washington, DC, U.S. Department of Justice, Antitrust Division, Washington, DC, Sullivan & Cromwell, New York, NY, Arent, Fox, Kintner, Plotkin & Kahn, Washington, DC. **Summer Associate.** Summers 1994-96.

ADDITIONAL EXPERIENCE

Marin Fair Housing Program, San Rafael, CA.

Assistant to the Director. 1992-93.

- Worked closely with the director of a non-profit housing discrimination organization. Involved with case management and testing for discrimination.

Hughes, Hubbard & Reed, New York, NY.

Paralegal. 1991-92.

ADMISSIONS AND MEMBERSHIPS

- Bar of the State of Tennessee, admitted to practice in 2003.
- Bar of the State of Maryland, admitted to Practice in 1998, inactive status 2005.
- Bar of the State of New Jersey, admitted to practice 1997, inactive status 2000.
- Inns Of Court, East Tennessee Chapter, joined 2008.
- Clinical Legal Education Association, joined 1999.
- Law and Society Association, joined 2004.
- Order of the Coif, University of Michigan Chapter, joined 1996.