

Fredric G. Levin College of Law  
Office of the Dean

Spessard L. Holland Law Center  
PO Box 117620  
Gainesville, FL 32611-7620  
352-273-0600  
[www.law.ufl.edu](http://www.law.ufl.edu)

August 29, 2018

MEMORANDUM

TO: Voting Faculty  
FROM: Laura A. Rosenbury, Dean *LAR*  
RE: Faculty Meeting Agenda

I have scheduled a Faculty Meeting for Tuesday, September 4, 2018, in the Faculty Lounge, beginning at 3:00 p.m. The agenda will be as follows:

1. Approve Faculty Meeting Minutes for July 17, 2018 (attached)
2. Approve Faculty Meeting Minutes for August 28, 2018 (attached)
3. Approve Spring 2019 visiting professor (curriculum vitae attached)
4. Approve 2018-2019 Hiring Policy of the Appointments Committee (to be circulated)

Law Faculty Meeting  
University of Florida Levin College of Law  
July 17, 2018, 3 PM

Present:

Charlene Luke, Silvia Menendez, Fred Murray, William Page, Laura Rosenbury, Henry Wihnyk

Not present:

Mary Adkins, Nathaniel Amdur-Clark, Mary Jane Angelo, Thomas Ankersen, Stephanie Bornstein, Yariv Brauner, Karen Burke, Dennis Calfee, Johnathan Cohen, Charles Collier, Deborah Cupples, Robin Davis, Jeffrey Davis, Nancy Dowd, Theresa Drake, Mark Fenster, Ben Fernandez, Joan Flocks, Alyson Flournoy, Jeff Grater, Bill Hamilton, Jeffrey Harrison, David Hasen, Monique Haughton Worrell, Berta Esperanza Hernandez, Mindy Herzfeld, Darren Hutchinson, Joseph Jackson, Michelle Jacobs, Joan Johnsen, Lea Johnston, Shani King, Christine Klein, Leslie Knight, Elizabeth Lear, Pedro Malavet, Taryn Marks, Grayson McCouch, Timothy McLendon, Martin McMahan, Jon Mills, Patricia Morgan, Jason Nance, Lars Noah, Kenneth Nunn, Leanne Pflaum, Rachel Purcell, Meshon Rawls, Theresa Reid, Robert Rhee, Elizabeth Rowe, Betsy Ruff, Sharon Rush, Katherine Russell-Brown, Daniel Sokol, Amy Stein, Stacey Steinberg, John Stinneford, Margaret Temple-Smith, Diane Tomlison, Lee-Ford Tritt, Steven Willis, Michael Wolf, Danaya Wright, Jennifer Zedalis, Wentong Zheng

Dean Rosenbury opened meeting 3:00 p.m.

Dean Rosenbury announced the only item of business was to approve summer graduates, and turned over the meeting to Dean Rachel Inman.

Dean Inman presented the list of graduates to the faculty for approval, indicating that the candidates were eligible to graduate from the law school.

Candidates were unanimously approved to graduate.

Meeting adjourned at 3:01 p.m.

Fredric G. Levin College of Law  
Student Affairs Office

Spessard L. Holland Law Center  
P.O. Box 117621  
Gainesville, FL 32611-7625  
(352) 273-0627  
Fax (352) 392-3800

MEMORANDUM

TO: The Faculty

FROM: Rachel E. Inman  
Associate Dean of Students  
Levin College of Law

DATE: 7/9/2018

RE: Summer 2018 Graduation

Listed below are the students who have applied for graduation for the Summer 2018 semester. We recommend approval of these candidates pending confirmation of their degree requirements.

Juris Doctor Degree

Eddy, Jordan  
Elko, Genna  
Garcia (Soto), Maritrini  
Hubble, Melissa  
McDonald, Parker

Master of Laws in Comparative Law

Alharbi, Mohammed

Doctor of Juridical Sciences in Taxation

Al-Hababi, Faisal  
Correa Debora

Master of Laws in International Taxation

Akue (Adole), Jessica  
Restrepo, Ana

Master of Laws in Taxation

Brevda, David  
Bruner, Garrett  
Furneaux, Danielle  
Lamb III, Maurice  
Meaney, Jillian  
Napolitano, Stefania  
Paulson, Joshua  
Peterson, Danielle  
Stone, William  
Strasser, Christina  
Sultenfuss, Katherine  
Van Arnum, Cory  
Wallace, Dallas  
Ward, Robert  
Weekley, Roland  
Whittemore, Preston  
Williams, Michael  
Woods, Alexa

**Law Faculty Meeting**  
**University of Florida Levin College of Law**  
**August 28, 2018, 3:00 PM**

PRESENT: Mary Adkins, Mary Jane Angelo, Thomas Ankersen, Ann Bartow, Dennis Calfee, Johnathan Cohen, Deborah Cupples, Shamika Dalton, Robin Davis, Jeffrey Davis, Ben Fernandez, Jeff Grater, Jeffrey Harrison, David Hasen, Monique Haughton Worrell, Berta Esperanza Hernandez, Darren Hutchinson, Joan Johnsen, Lea Johnston, Shani King, Christine Klein, Liz Lear, Sarah Lewis, Sabrina Little, Charlene Luke, Pedro Malavet, Gail Mathapo, Merritt McAlister, Grayson McCouch, Silvia Menendez, Peter Molk, Patricia Morgan, Fred Murray, Jason Nance, Lars Noah, William Page, Leanne Pflaum, Mae Quinn, Teresa Reid, Caprice Roberts, Laura Rosenbury, Betsy Ruff, Sharon Rush, Katherine Russell-Brown, Daniel Sokol, Amy Stein, Stacey Steinberg, John Stinneford, Margaret Temple-Smith, Diane Tomlinson, Lee-Ford Tritt, Chris Vallandingham, Henry Wihnyk, Steven Willis, Michael Wolf, Danaya Wright, Jennifer Zedalis

NOT PRESENT: Stephanie Bornstein, Yariv Brauner, Karen Burke, Charles Collier, Nancy Dowd, Teresa Drake, Mark Fenster, Alyson Fournoy, Bill Hamilton, Mindy Herzfeld, Joseph Jackson, Michelle Jacobs, Leslie Knight, Jon Mills, Kenneth Nunn, Meshon Rawls, Robert Rhee, Elizabeth Rowe, Wentong Zheng

Meeting called to order at 3:02 p.m.

I. Welcome New Faculty and Visiting Professors and Scholars

Dean Rosenbury welcomed new faculty: Jane O'Connell, Peter Molk, Merritt McAlister, Ann Bartow, Mae Quinn, Sabrina Little, and Caprice Roberts, as well as our visiting scholars from China.

*Information Item Only*

II. Approval of the Faculty Minutes for July 17, 2018

Approval of the Faculty Minutes for July 17, 2018 has been delayed to the next faculty meeting.

*Approval has been delayed until next meeting.*

III. Admissions Update

Dean Rosenbury provided an admissions update for the Class of 2021 (JD/LLM) and thanked faculty for welcoming new students, calling/recruiting them, and otherwise mentoring them.

*Information Item Only*

IV. Budget Update

Dean Rosenbury thanked faculty for working with the new zero-based budget form. Dean Rosenbury expressed her optimism in obtaining additional private support and thanked faculty for giving and for reaching out to alums to get them to participate. Dean Rosenbury announced that we met the Culverhouse-Hossieni Challenge and that 2,300 alums participated in the challenge. Dean Rosenbury said that we are on the road to get additional private support and additional university and state support. Our commitment to zero-based budgeting is a crucial aspect of that goal.

*Information Item Only*

V. Campaign for Charities Announcement

Associate Dean Liz Lear is the law school's faculty representative for UF's Campaign for Charities. Associate Dean Lear provided information on methods of participation.

*Information Item Only*

VI. Approve Committee Assignments (to be circulated)

There were a few corrections to previously circulated committee assignments; packets with new assignments were distributed. Discussion ensued on various topics related to assignments. Faculty considered committee assignments with two corrections for vote.

*Revised Committee  
Assignments Approved*

VII. Discussion of Committee Goals and Charges (to be circulated)

Dean Rosenbury opened the floor for discussion on committee charges. *Discussion Item Only*

Meeting adjourned at 3:27 p.m.

## Kenneth C. Kettering

13 Midhurst Road  
Short Hills, New Jersey 07078

Phone: 973-218-0191  
Mobile: 973-412-6727  
E-mail: kck2136@columbia.edu  
Permanent email: kenneth.kettering@gmail.com

### ACADEMIC POSITIONS

**Columbia University School of Law**, New York, New York.  
Lecturer in Law, Fall 2015, Spring 2018. Courses: Secured Transactions.

**Case Western Reserve University School of Law**, Cleveland, Ohio.  
Visiting Professor, Spring 2014. Courses: Sales; Payment Systems.

**Brooklyn Law School**, Brooklyn, New York.  
Visiting Professor, Fall 2012 – Spring 2013.  
Courses: Debtors' and Creditors' Rights; Secured Transactions; Payment Systems.

**University of Miami School of Law**, Miami, Florida.  
Visiting Professor, Fall 2009, Fall 2010 – Spring 2012.  
Courses: Commercial Law I; Commercial Law II; Contracts.

**Loyola University New Orleans School of Law**, New Orleans, Louisiana,  
Visiting Professor, Spring 2010. Courses: Secured Transactions; Business Associations.

**New York Law School**, New York, New York.  
Associate Professor, Fall 2000 – Spring 2009  
Principal courses: Commercial Law; Secured Transactions; Sales; Payment Systems; Bankruptcy.  
Other courses: Corporations; Financial Literacy.

### PREVIOUS PROFESSIONAL EXPERIENCE

**Reed Smith LLP**, Pittsburgh, Pennsylvania, 1981-2000; Partner, 1990-2000  
Reed Smith LLP is an international law firm with offices across the United States and Europe and elsewhere. I was a partner in the firm's Business and Finance Group. When I left practice I was the principal outside counsel to a major bank with respect to its activities in over-the-counter derivatives and foreign exchange. My practice encompassed a broad range of other sophisticated financing and corporate work, including syndicated lending, highly leveraged transactions, asset-based lending, structured finance and securitization, and mergers and acquisitions.

**Judge John Minor Wisdom**, U.S. Court of Appeals for the Fifth Circuit, New Orleans, Louisiana.  
Law clerk, 1980-1981.

### FORMAL EDUCATION

**Harvard Law School**, Cambridge, Massachusetts. J.D., *magna cum laude*, 1980.  
**Harvard Law Review**, 1978-80 (vols. 92, 93). Editor, vol. 92; co-Supreme Court Editor, vol. 93.

**Brookhaven National Laboratories**, Upton, New York.  
Research Associate, Applied Mathematics Research Group, 1977.

**Carnegie Mellon University**, Pittsburgh, Pennsylvania. B.S. in Mathematics, University Honors, 1977. Completed degree in two years. Rank: 2/96. GPA: 3.92/4.00.

## OTHER TEACHING EXPERIENCE

**University of Pittsburgh Law School**, Pittsburgh, Pennsylvania.  
Adjunct Professor, 1998-2000. Course: Commercial Law.

I have presented at numerous conferences sponsored by the American Law Institute, the American Bankruptcy Institute, ALI-ABA, the Business Law Section of the American Bar Association, the Practising Law Institute, the Eastern District of Pennsylvania Bankruptcy Conference, the Association of the Bar of the City of New York, the New York Bankers Association, the Pennsylvania Bar Institute, and other bodies.

## PUBLISHED LEGAL SCHOLARSHIP

*The Comments to the Uniform Voidable Transactions Act Relating to Self-Settled Spendthrift Trusts Are Correct*, 42 TAX MGMT. EST., GIFTS & TR. J. 267-272 (2017)

*The Uniform Voidable Transactions Act; or, the 2014 Amendments to the Uniform Fraudulent Transfer Act*, 70 BUS. LAW. 777-834 (2015).

*Dissenting Statement Pertaining to the Name of an Individual Debtor*, 84 PA. B. ASSN. Q. 176-82 (2013) (co-author with Amelia H. Boss)

*Standard Search Logic Under Article 9 and the Florida Debacle*, 66 U. MIAMI L. REV. 907-922 (2012)

*Codifying a Choice of Law Rule for Fraudulent Transfer: A Memorandum to the Uniform Law Commission*, 19 AM. BANKR. INST. L. REV. 319-359 (2011)

*Harmonizing Choice of Law in Article 9 with Emerging International Norms*, 46 GONZ. L. REV. 235-296 (2011)

*Pride and Prejudice in Securitization: A Reply to Professor Plank*, 30 CARDOZO L. REV. 1977-1999 (2009)

*True Sale of Receivables: A Purposive Analysis*, 16 AM. BANKR. INST. L. REV. 511-562 (2008)

*Securitization and Its Discontents: The Dynamics of Financial Product Development*, 29 CARDOZO L. REV. 1553-1728 (2008)

*Note*: This paper was awarded the Grant Gilmore Award by the American College of Commercial Finance Lawyers, and the Otto L. Walter Distinguished Writing Award by the faculty of New York Law School.

*A Summary of the Nonuniform Features of the New York Enactment of Revised Article 9*, published as the introduction to NEW YORK COMMERCIAL LAW, 2002 through 2006 editions (co-author with Paul Shupack)

*Under the Surface of Revised Article 9: Selected Variations in State Enactments from the Official Text of Revised Article 9*, 34 UCC L.J. 331-357 (2002) (co-author with Penelope L. Christophorou, Lynn A. Soukup and Steven O. Weise)

*Analysis of Specific State Variations*, 34 UCC L.J. 358-540 (2002) (co-author with Penelope L. Christophorou, Lynn A. Soukup and Steven O. Weise)

*Repledge and Pre-Default Sale of Securities Collateral Under Revised Article 9*, 74 CHI.-KENT L. REV. 1109-1155 (1999)

*Repledge Deconstructed*, 61 U. PITT. L. REV. 45-239 (1999)

*Simplification in Drafting—The Uniform Commercial Code Article 9 Experience*, 74 CHI.-KENT L. REV. 1309-1337 (1999) (co-author with Louis F. Del Duca, Vincent C. DeLiberato, Jr., David L. Hostetter and Steven O. Weise)

*A New Law of Transfer and Pledge for Securities: The Pennsylvania Uniform Commercial Code Modernization Act of 1996*, 67 PA. B. ASSN. Q. 168-176 (1996)

*The Pennsylvania Uniform Fraudulent Transfer Act*, 65 PA. B. ASSN. Q. 67-85 (1994)

*Exemption Under the Antitrust Laws for Joint Employer Activity*, 21 DUQ. L. REV. 347-364 (1983) (co-author with Leonard L. Scheinholtz)

*Developments in the Law -- The Constitution and the Family*, 93 HARV. L. REV. 1156-1383 (1980) (co-author)

*The Supreme Court, 1978 Term*, 93 HARV. L. REV. 60-281 (1979) (co-author and co-editor)

*Duty to Bargain about Termination of Operations*, 92 HARV. L. REV. 769-780 (1979)

#### **OTHER LEGAL WRITING**

Contributing editor for *WORLD LAWS ON SECURITY INTERESTS IN SECURITIES, SECURITIES ACCOUNTS AND DEPOSIT ACCOUNTS* (Penelope L. Christophorou, ed.) (treatise; forthcoming).

In connection with my law reform activity at the national and state levels I have written or co-written numerous reports, official comments to enacted legislation (typically published by West as part of its compilation of the relevant state's legislative code), and other materials comprising part of the legislative record. Major works of this type include the following:

Two official Commentaries to Article 9 of the Uniform Commercial Code (tentatively numbered 20 and 21), at the behest of the Permanent Editorial Board for the Uniform Commercial Code. These should be published by the Permanent Editorial Board in late 2018 or early 2019.

Association of the Bar of the City of New York's report in the form of a letter to key members of the New York legislature proposing enactment of a new fraudulent transfer law. This eventuated in introduction of an enacting bill in 2007.

Committee on Uniform State Laws, Association of the Bar of the City of New York, *Report on Revised Article 1 of the Uniform Commercial Code* (April 2004) (available in part at 59 THE RECORD 176 (2004)).

New York State Law Revision Commission, *2001 Report on Proposed Revised Article 9 (Secured Transactions) of the Uniform Commercial Code* (2001).



Committee on Uniform State Laws, Association of the Bar of the City of New York, *Report on Revised Article 9 of the Uniform Commercial Code* (March 9, 2001). I was the principal author of part I (pp. 1-37), the summary and recommendations, and had substantial input into part II (pp. 38-93), pertaining to nonuniform New York provisions governing the financing of co-operative real estate interests.

Article 9 Task Force, Business Law Section, Pennsylvania Bar Association, *Report on the Uniform Commercial Code Modernization Act of 2001* (March 28, 2001), accompanying Act of June 8, 2001, P.L. 123, No. 18 (enacting Revised Articles 5 and 9 of the Pennsylvania Uniform Commercial Code and related changes). I was the Reporter who wrote the report and the official Pennsylvania comments contained therein.

Fraudulent Conveyance Task Force of the Section on Corporation, Banking and Business Law of the Pennsylvania Bar Association, *Report on the Pennsylvania Uniform Fraudulent Transfer Act with Committee Comments* (March 31, 1993), accompanying Act of December 3, 1993, P.L. 479, No. 70 (enacting an omnibus revision of Pennsylvania's fraudulent transfer statute). I was the Reporter who drafted this report and the official Pennsylvania comments contained therein.

## **NONLEGAL WRITING**

*A Note on the Tradeoff Between Phase One and Phase Two of the Simplex Method*, Technical Paper AMD 772, Brookhaven National Laboratories, August 1977

## **PROFESSIONAL ACTIVITIES**

Reporter for the Drafting Committee appointed by the Uniform Law Commission to amend the Uniform Fraudulent Transfer Act (2012-2015) The resulting amendments, which renamed the act the Uniform Voidable Transactions Act ("UVTA"), was promulgated by the Uniform Law Commission in 2014. As of July 2018 the UVTA has been enacted in nineteen states.

Observer, ALI-NCCUSL Drafting Committee on UCC Article 9 (1997-2001); Joint Review Committee on Amendments to UCC Article 9 (2008-2011)

Member, American Law Institute

Member, Standard & Poor's Academic Advisory Council (2004-2007)

Member of the academic advisory group that acts as a sounding board for the Federal Reserve Bank of New York

Fellow of the American College of Commercial Finance Lawyers

Vice Chair (1998-2003) of the Secured Transactions Subcommittee of the American Bar Association's Commercial Finance Committee.

Member of the Uniform Laws Committee of the Association of the Bar of the City of New York. As such I have been active in New York law revision efforts relating to commercial and debtor-creditor law since 2000, including several items enacted or introduced.

Member of the Council of the Corporation, Banking and Business Law Section of the Pennsylvania Bar Association 1989-2001, and observer thereafter. As member of the Council, I had a major role in

Pennsylvania law revision efforts relating to commercial and debtor-creditor law from the 1980s until 2001. For example, I drafted legislation enacted in 1998 assuring that contracts calling for payment in foreign currency would not be rendered unenforceable by the European monetary union. Other major projects in which I played a leading role included the following: Reporter, Task Force on UCC Modernization (1997-2001) (enactment of Revised UCC Article 9); Task Force on UCC Modernization (1996-2001) (enactment of Revised UCC Article 5); Chair and Reporter, Task Force on UCC Modernization (1994-96) (enactment of Revised UCC Article 8 et al.); Reporter, Insolvency Task Force (1990-95) (revisions to fraudulent transfer laws; proposed state insolvency law). After leaving the Council, I participated in the Task Force on UCC Modernization (2010-date) (enactment of 2010 amendments to UCC Article 9 and 2012 amendment to UCC Article 4A)

Admitted to the bars of Pennsylvania (1981), the United States Supreme Court, the United States Courts of Appeals for the Third Circuit and Fifth Circuit, and the United States District Court for the Western District of Pennsylvania.

Member, American Bar Association, Association of the Bar of the City of New York, and AALS sections on Commercial and Related Consumer Law, Contracts, and Creditors and Debtors Rights.

## MEMORANDUM

TO: Voting Faculty, University of Florida Levin College of Law

FROM: Appointments Committee (*pre-tenure*: Hernandez-Truyol (chair), Hutchinson, Page, Rhee; *tenured-lateral*: Flournoy (spring), Hasen (chair for fall), Hutchinson, Sokol (chair for spring), Stein)

DATE: September 1, 2018

RE: Faculty Appointments Policy for 2018-19

---

Charged by and in consultation with Dean Rosenbury, the Appointments Committee recommends that the faculty adopt the following hiring policy for the 2018-19 academic year. (The Dean's formal charge to the Committee is attached at the end of this memorandum.)

### FACULTY APPOINTMENTS POLICY

The faculty is committed to hiring individuals capable of and dedicated to producing outstanding scholarship, teaching and public service. The College of Law values diversity in the faculty and believes that it enriches the law school community and the legal profession. The Committee shall be sensitive to the value of diversity and its importance to the community and shall pay particular attention to diversifying the College of Law's faculty.

#### Entry-Level Hires

Pursuant to the Dean's charge, the pre-tenure subset of the Committee shall lead the search to hire one tenure-track candidate with an established record of scholarship in the fields of business and corporate law, including banking, securities regulation, mergers and acquisitions and other advanced topics. The College would benefit from a candidate who considers international aspects of any of these areas, considers these topics in the context of business start-ups and other entrepreneurial settings, and/or takes a negotiation, arbitration or drafting perspective.

The pre-tenure subset of the Committee shall also lead the search to hire at least one candidate with an established record of scholarship in any of the following areas: First Amendment, voting rights, media law, immigration, evidence, torts, and professional responsibility. As before, the College would benefit from a candidate who considers international aspects of any of these areas.

The pre-tenure subset of the Committee may recommend consideration of entry-level candidates or exceptional tenure-track candidates with one to three years of law school teaching experience, subject to the Dean's traditional discretion in negotiating credit for that experience.

#### Tenured-Lateral Hires

##### Joint Preeminence Hire

Pursuant to the Dean's charge, the tenured-lateral subset of the Committee shall conduct a search in partnership with the College of Engineering to recruit a nationally recognized scholar of law and technology, funded through the University's preeminence

initiative. The “home” institution will be the College of Law, and thus the College of Law will initiate the search.

#### Rosenthal Chair in Labor and Employment Law

The tenured-lateral subset of the Committee shall lead a search for a nationally recognized scholar to fill the new Rosenthal Chair in Labor and Employment Law.

#### Tax Faculty Open Position

The tenured-lateral subset of the Committee may seek to fill one of the open chairs in the tax area.

#### Visiting Assistant Professor in Tax

If one of the open chairs in tax is not filled, the pre-tenure subset of the Committee shall conduct a search for a visiting assistant professor of tax, focusing on all candidates who have the capacity to become outstanding tax scholars.

#### Strategic Plan for Future Appointments

Pursuant to the Dean’s charge, the Appointments Committee shall, upon the completion of these searches, begin discussions with the faculty about the College’s likely hiring needs over the next five years, with the goal of developing a strategic plan for hiring based on that input. The Committee shall also recommend the best timing for appointing next year’s appointments committee.

#### Non-discrimination

The College of Law is committed to non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations, veteran status, gender identity, and gender expression. All recruitment will be conducted in a manner consistent with the University of Florida's Faculty Recruitment Toolkit and the laws and regulations of the State of Florida and the United States.

## Memorandum to the 2018-2019 Appointments Committee

*Pre-Tenure:* Dowd (spring), Hernandez-Truyol, Hutchinson, Page, Rhee

*Tenured Lateral:* Flournoy (spring), Hasen, Hutchinson, Sokol, Stein

From: Laura A. Rosenbury

Re: Charge to the Appointments Committee

Date: August 24, 2018

I charge the Committee with identifying candidates for our faculty. Based on discussions with faculty members and our Provost, I anticipate that we will ultimately be able to hire at least two pre-tenure faculty members and at least two tenured lateral faculty members this year. To enhance the odds of hiring faculty members in each category, I have divided the Committee into two subsets: one for pre-tenure hiring and the other for tenured lateral hiring. I ask the Committee to decide whether to elect one or two chairs.

I ask that the Committee's first order of business be the development of a hiring policy or policies. I ask that the Committee present that policy to the faculty for approval at the faculty meeting on August 28, 2018 or a special faculty meeting to be scheduled for September 4, 2018. Based on the recommendation from last year's Committee and reviews of our curricular needs and our scholarly production as compared to peer and aspirational institutions, I ask that the Committee recommend candidates as follows:

I ask the subset of the Committee focused on *pre-tenure hiring* to seek at least one candidate with an established record of scholarship in the fields of business and corporate law, including banking, securities regulation, mergers and acquisitions, and other advanced topics. The College would benefit from a candidate who considers international aspects of any of these areas, considers these topics in the context of business start-ups and other entrepreneurial settings, and/or takes a negotiation, arbitration, or drafting perspective. I ask the subset of the Committee focused on pre-tenure hiring to also seek at least one candidate with an established record of scholarship in any of the following areas: First Amendment, voting rights, media law, immigration, evidence, torts, or professional responsibility. As before, the College would benefit from a candidate who considers international aspects of any of these areas. The subset of the Committee focused on pre-tenure hiring may recommend consideration of entry-level candidates or exceptional tenure-track candidates with one to three years of law school teaching experience, subject to the dean's traditional discretion in negotiating credit for that experience.

I ask the subset of the Committee focused on *tenured lateral hiring* to oversee searches for two, or possibly three, lateral tenured hires. One of these searches will be in partnership with the College of Engineering to recruit a nationally recognized scholar of law and technology, funded through the university preeminence initiative. The other search will be for a nationally recognized scholar to fill

the new Rosenthal Chair in Labor and Employment Law. Finally, we may need to add to our tax faculty by filling one of the open chairs in that area, and I ask the Committee to consider that possibility. If one of the open chairs in tax is not filled, I ask the Committee to look for a Visiting Assistant Professor in tax, focusing on candidates who have the potential to become outstanding tax scholars.

With all of these positions, I encourage the Committee to pay particular attention to diversifying our faculty.

Upon the completion of these searches, I ask the Committee to continue the conversation with our faculty about the College's likely hiring needs over the next five years with the goal of developing a strategic plan for hiring based on that input.

I thank the Committee in advance for its attention to these matters.

## Memorandum to the 2018-2019 Appointments Committee

*Pre-Tenure:* Dowd (spring), Hernandez-Truyol, Hutchinson, Page, Rhee

*Tenured Lateral:* Flournoy (spring), Hasen, Hutchinson, Sokol, Stein

From: Laura A. Rosenbury

Re: Charge to the Appointments Committee

Date: August 24, 2018

I charge the Committee with identifying candidates for our faculty. Based on discussions with faculty members and our Provost, I anticipate that we will ultimately be able to hire at least two pre-tenure faculty members and at least two tenured lateral faculty members this year. To enhance the odds of hiring faculty members in each category, I have divided the Committee into two subsets: one for pre-tenure hiring and the other for tenured lateral hiring. I ask the Committee to decide whether to elect one or two chairs.

I ask that the Committee's first order of business be the development of a hiring policy or policies. I ask that the Committee present that policy to the faculty for approval at the faculty meeting on August 28, 2018 or a special faculty meeting to be scheduled for September 4, 2018. Based on the recommendation from last year's Committee and reviews of our curricular needs and our scholarly production as compared to peer and aspirational institutions, I ask that the Committee recommend candidates as follows:

I ask the subset of the Committee focused on *pre-tenure hiring* to seek at least one candidate with an established record of scholarship in the fields of business and corporate law, including banking, securities regulation, mergers and acquisitions, and other advanced topics. The College would benefit from a candidate who considers international aspects of any of these areas, considers these topics in the context of business start-ups and other entrepreneurial settings, and/or takes a negotiation, arbitration, or drafting perspective. I ask the subset of the Committee focused on pre-tenure hiring to also seek at least one candidate with an established record of scholarship in any of the following areas: First Amendment, voting rights, media law, immigration, evidence, torts, or professional responsibility. As before, the College would benefit from a candidate who considers international aspects of any of these areas. The subset of the Committee focused on pre-tenure hiring may recommend consideration of entry-level candidates or exceptional tenure-track candidates with one to three years of law school teaching experience, subject to the dean's traditional discretion in negotiating credit for that experience.

I ask the subset of the Committee focused on *tenured lateral hiring* to oversee searches for two, or possibly three, lateral tenured hires. One of these searches will be in partnership with the College of Engineering to recruit a nationally recognized scholar of law and technology, funded through the university preeminence initiative. The other search will be for a nationally recognized

scholar to fill the new Rosenthal Chair in Labor and Employment Law. Finally, we may need to add to our tax faculty by filling one of the open chairs in that area—, and I ask the Committee to consider that possibility. If one of the open chairs in tax is not filled, I ask the Committee to look for a Visiting Assistant Professor in tax, focusing on candidates who have the potential to become outstanding tax scholars.

With all of these positions, I encourage the Committee to pay particular attention to diversifying our faculty.

Upon the completion of these searches, I ask the Committee to continue the conversation with our faculty about the College's likely hiring needs over the next five years with the goal of developing a strategic plan for hiring based on that input.

I thank the Committee in advance for its attention to these matters.