

STEPHEN J. WARE

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PROFESSIONAL POSITIONS

2019 – present	Frank Edwards Tyler Distinguished Professor of Law, The University of Kansas.
2003 - 2019	Professor of Law, The University of Kansas.
1993 - 2003	Assistant Professor, Associate Professor and then Professor of Law, Cumberland School of Law, Samford University.
2002 Summer	Visiting Professor of Law, The University of Kansas.
2001 Summer	Visiting Professor of Law, The University of Alabama. ("Podium-fill" visit to cover needs in Secured Transactions.)
1999 Fall	Visiting Professor of Law, Ohio State University. ("Podium-fill" visit to cover needs in Contracts and ADR.)
1998 Fall	Visiting Professor of Law, College of William & Mary. ("Podium-fill" visit to cover needs in Contracts and Secured Transactions.)
1991 - 1993	Attorney, Davis Polk & Wardwell, New York, NY.
1990 - 1991	Law Clerk to the Honorable J. Daniel Mahoney, United States Court of Appeals, Second Circuit.

EDUCATION

J.D., *honors*, University of Chicago Law School, 1990. Associate Editor, UNIVERSITY OF CHICAGO LAW REVIEW. Bradley Fellow in Legal History.

B.A., American History and Political Science, *cum laude*, 1987, University of Pennsylvania.

BOOKS

ARBITRATION (Foundation Press University Casebook Series, 4th edition, forthcoming 2019) (with Alan Scott Rau).

[PRINCIPLES OF ARBITRATION LAW](#) (West Concise Hornbook Series 2017) (with Ariana Levinson).

[PRINCIPLES OF ALTERNATIVE DISPUTE RESOLUTION](#) (West Concise Hornbook Series, 3d edition 2016).

[PRINCIPLES OF ALTERNATIVE DISPUTE RESOLUTION](#) (Thomson/West Concise Hornbook Series, 2d edition 2007).

[ARBITRATION LAW IN AMERICA: A CRITICAL ASSESSMENT](#) (Cambridge University Press 2006) (with Edward Brunet, Richard Speidel & Jean Sternlight).

[ALTERNATIVE DISPUTE RESOLUTION](#) (West Group Hornbook Series 2001).

LAW REVIEW ARTICLES

43. *Paternalism or Gender-Neutrality?*, 52 CONN. L. REV. (forthcoming 2020).

42. [*Private Ordering and Commercial Arbitration: Lasting Lessons from Mentschikoff*](#), 2019 JOURNAL OF DISPUTE RESOLUTION 1.

41. [*A Short Defense of Southland, Casarotto, and other Long-Controversial Arbitration Decisions*](#), 30 LOYOLA CONSUMER LAW REVIEW 303 (2018) (symposium article).

40. [*The Centrist Case for Enforcing Adhesive Arbitration Agreements*](#), 23 HARVARD NEGOTIATION LAW REVIEW 29 (2017).

39. [*The Centrist Case against Current \(Conservative\) Arbitration Law*](#), 68 FLORIDA LAW REVIEW 1227 (2016).

38. [*The Politics of Arbitration Law and Centrist Proposals for Reform*](#), 53 HARVARD J. ON LEGISLATION 711 (2016).

37. [*Debt, Poverty, and Personal "Financial Distress"*](#), 89 AM. BANKR. L. J. 493 (2015).

LAW REVIEW ARTICLES - continued

36. [*The Glucose Model of Mediation: Physiological Bases of Willpower as Important Explanations for Common Mediation Behavior*](#), 15 PEPP. DISP. RESOL. L. J. 377 (2015) (with Roy F. Baumeister, W. Scott Simpson, & Daniel Weber).
35. [*Judicial Elections, Judicial Impartiality and Legitimate Judicial Lawmaking: Williams-Yulee v. The Florida Bar*](#), 68 VANDERBILT L. REV. EN BANC 59 (2015).
34. [*A 20th Century Debate About Imprisonment for Debt*](#), 54 AMERICAN J. LEGAL HISTORY 351 (2014).
33. [*Vacating Legally-Erroneous Arbitration Awards*](#), 6 Y.B. ON ARB. & MEDIATION 56 (2014).
32. [*Is Adjudication a Public Good?: “Overcrowded Courts” and the Private-Sector Alternative of Arbitration*](#), 14 CARDOZO J. CONFLICT RESOL. 899 (2013).
31. [*Originalism, Balanced Legal Realism and Judicial Selection: A Case Study*](#), 22 KAN. J. L. & PUB. POL’Y 165 (2013).
30. [*Similarities Between Arbitration and Bankruptcy Litigation*](#), 11 NEV. L. J. 436 (2011) (symposium article).
29. [*Why Do Businesses Use \(or Not Use\) Arbitration Clauses?*](#), 25 OHIO ST. J. ON DISP RESOL. 433 (2010) (with Christopher R. Drahozal).
28. [*Bankruptcy Law’s Treatment of Creditors’ Jury-Trial and Arbitration Rights*](#), 17 AM. BANKR. INST. L. REV. 479 (2009) (symposium article).
27. [*The Missouri Plan in National Perspective*](#), 74 MO. L. REV. 751 (2009) (symposium article).
26. [*The Bar’s Extraordinarily Powerful Role in Selecting the Kansas Supreme Court*](#), 18 KAN. J. L. & PUB. POL’Y 392 (2009).
25. [*Farm Tractors in Kansas: How to Perfect a Security Interest*](#), 57 U. KAN. L. REV. 409 (2009) (with Aaron K. Johnstun).
24. [*What Makes Securities Arbitration Different from Other Consumer and Employment Arbitration?*](#) 76 U. CIN. L. REV. 447 (2008) (symposium article), *reprinted in*, 8 ICFAI UNIV. J. OF ALT. DISP. RESOL. 25 (2009).

LAW REVIEW ARTICLES - continued

23. [*Selection to the Kansas Supreme Court*](#), 17 KAN. J. L. & PUB. POL'Y 386 (2008).
22. [*Arbitration Law's Separability Doctrine After Buckeye Check Cashing Inc. v. Cardegna*](#), 8 NEV. L. J. 107 (2007) (symposium article).
21. [*"Medical-Related Financial Distress," and Health Care Finance: A Reply to Professor Melissa Jacoby*](#), 55 U. KAN. L. REV. 1259 (2007) (symposium article).
20. [*The Case for Enforcing Adhesive Arbitration Agreements - with Particular Consideration of Class Actions and Arbitration Fees*](#), 5 J. AM. ARB. 251 (2006).
19. [*The Source of Alabama's Abundance of Arbitration Cases: Alabama's Bizarre Law of Damages for Mental Anguish*](#), 28 AM. J. TRIAL ADVOC. 135 (2004) (with W. Scott Simpson & Vickie M. Willard).
18. [*Arbitration Clauses, Jury-Waiver Clauses and Other Contractual Waivers of Constitutional Rights*](#), 67 LAW & CONTEMP. PROBS. 167 (2004) (symposium article).
17. [*Teaching Arbitration Law*](#), 14 AM. REV. INT'L ARB. 231 (2003).
16. [*Contractual Arbitration, Mandatory Arbitration and State Constitutional Jury-Trial Rights*](#), 38 U.S.F. L. REV. 39 (2003) (symposium article).
15. [*Consumer and Employment Arbitration Law in Comparative Perspective: The Importance of the Civil Jury*](#), 56 U. MIAMI L. REV. 865 (2002) (symposium article).
14. [*Security Interests, Repossessed Collateral and Turnover of Property to the Bankruptcy Estate*](#), 2002 UTAH L. REV. 775.
13. [*Domain-Name Arbitration in the Arbitration-Law Context: Consent to, and Fairness in, the UDRP*](#), 6 J. SMALL & EMERGING BUS. L. 129 (2002).
12. [*Paying the Price of Process: Judicial Regulation of Consumer Arbitration Agreements*](#), 2001 J. DISP. RESOL. 89 (symposium article).
11. [*The Effects of Gilmer: Empirical and Other Approaches to the Study of Employment Arbitration*](#), 16 OHIO ST. J. ON DISP. RESOL. 735 (2001) (symposium article), *reprinted in*, ALTERNATIVE DISPUTE RESOLUTION IN THE EMPLOYMENT ARENA 479-503 (Samuel Estreicher & David Sherwyn eds., 2004).

LAW REVIEW ARTICLES - continued

10. [Money, Politics and Judicial Decisions: A Case Study of Arbitration Law in Alabama](#), 15 J.L. & POL. 645 (1999), *reprinted in*, 30 CAP. U. L. REV. 583 (2002).
9. [ADR in Cyberspace](#), 15 OHIO ST. J. ON DISP. RESOL. 589 (2000) (symposium article) (with Sarah Rudolph Cole).
8. [Arbitration and Assimilation](#), 77 WASH U. L.Q. 1053 (2000).
7. [Default Rules from Mandatory Rules: Privatizing Law Through Arbitration](#), 83 MINN. L. REV. 703 (1999).
6. [Consumer Arbitration as Exceptional Consumer Law](#), 29 MCGEORGE L. REV. 195 (1998) (symposium article).
5. ["Opt-In" for Judicial Review of Errors of Law Under the Revised Uniform Arbitration Act](#), 8 AM. REV. INT'L ARB. 263 (1997).
4. [Arbitration and Unconscionability after Doctor's Associates, Inc. v. Casarotto](#), 31 WAKE FOREST L. REV. 1001 (1996).
3. [Employment Arbitration and Voluntary Consent](#), 25 HOFSTRA L. REV. 83 (1996).
2. [Punitive Damages in Arbitration: Contracting Out of Government's Role in Punishment and Federal Preemption of State Law](#), 63 FORDHAM L. REV. 529 (1994).
1. [A Critique of the Reasonable Expectations Doctrine](#), 56 U. CHI. L. REV. 1461 (1989), *reprinted in*, 4 NAT'L INS. L. REV. 339 (1990).

OTHER PUBLICATIONS

36. *Lasting Lessons from Mentschikoff's Commercial Arbitration* in DISCUSSIONS IN DISPUTE RESOLUTION: THE FORMATIVE ARTICLES (Hinshaw, Schneider, and Cole, eds.) (Oxford Univ. Press, forthcoming 2020)
35. [Ross et al. v. American Express et al.: The Story Behind the Spread of Class Action-Barring Arbitration Clauses in Credit Card Agreements](#), DISPUTE RESOLUTION MAGAZINE, Fall 2014, at 18 (with Nancy Welsh).
34. [State's judge selection undemocratic](#), LAWRENCE JOURNAL WORLD, Nov. 29, 2012.

OTHER PUBLICATIONS - continued

33. [*An Overview of Bankruptcy Law in the United States*](#), 9 INT'L CORP. RESCUE 320 (2012).
32. *The Missouri Plan Makes Business People Second-Class Citizens in Judge Selection*, MISSOURI BUSINESS, 2012, at 40.
31. [*Switch to democratic politics to choose judges*](#), Indianapolis Star, Jan. 23, 2012.
30. [*Disorder in the court*](#), Topeka Capital Journal, March 15, 2011.
29. [*How does your state select its judges?*](#) Inside ALEC, March, 2011, at 9 (with Brian Fitzpatrick)
28. [*Process for Selecting Judges is Undemocratic*](#), WICHITA EAGLE, Aug. 22, 2010,
27. *The Legal Structure of Securities Arbitration*, in SECURITIES ARBITRATION 171 (PLI 2010).
26. [*Authorities Split After the Supreme Court's Hall Street Decision: What Is Left of the Manifest Disregard Doctrine?*](#) ENGAGE, March 2010, at 119 (with Marisa C. Maleck).
25. *The Future of Commercial Arbitration*, 9 PEPP. DIS. RES. J. 415 (2009) (with Richard Chernick, William F. Rylaarsdam & Thomas J. Stipanowich).
24. *Open Up the Process of Picking Justices*, WICHITA EAGLE, Jan. 23, 2009, *reprinted in*, OLATHE NEWS, Jan. 28, 2009, at 4A.
23. [*Professor questions judge selection*](#), LAWRENCE JOURNAL WORLD, Dec. 8, 2007.
22. *Bar Has Too Much Power in Picking State's Justices*, WICHITA EAGLE, Nov. 29, 2007.
21. *Five Reasons Why Contracts Teachers Should Consider Teaching an Arbitration Course*, in EXPLORING THE BOUNDARIES OF CONTRACT LAW (Association of American Law Schools, Section on Contracts, 2005).
20. *The Bankruptcy Abuse Prevention & Consumer Protection Act of 2005* in KANSAS BAR ASSOCIATION ANNUAL BANKRUPTCY INSTITUTE (2005).
19. *ADR at KU Law and Reform of the Federal Arbitration Act*, KU LAW MAGAZINE, Fall 2004, at 2 & 10.

OTHER PUBLICATIONS - continued

18. [Arbitration under Assault: Trial Lawyers Lead the Charge](#), CATO Institute Policy Analysis no. 433, April 18, 2002.
17. *Arbitration: Different Types, Different Bodies of Governing Law*, American Bar Association annual meeting, Dispute Resolution Section, April 5, 2002.
16. *Trial Lawyers Fight Arbitration for Their Own Benefit*, L.A. DAILY J., and S.F. DAILY J. Mar. 26, 2002.
15. [The Alabama Story: Arbitration shows law's connection to politics, culture](#), DISP. RESOL. MAG. 24 (Summer 2001), reprinted as *Arbitration: A License to Steal*, 12 WORLD ARB. & MED. REP. 316 (Dec. 2001).
14. [Common Sense and Contracts Symposium: The Gateway Thread](#), 16 TOURO L. REV. 1145, 1180-81 (2000).
13. *Truce possible in GOP-Dominated high court*, BIRMINGHAM NEWS, Dec. 3, 2000, at 1C.
12. "Adhesion" Contracts Under the Revised Uniform Arbitration Act in ARBITRATION BEYOND 2000, THE REVISED UNIFORM ARBITRATION ACT: WHAT IT MEANS TO YOU (2000).
11. *Recent Developments in Chapter 13 Cases* (with Judge James S. Sledge) in CUMBERLAND SCHOOL OF LAW 11TH ANNUAL BANKRUPTCY LAW SEMINAR (2000).
10. [Public comment for United States Department of Commerce and Federal Trade Commission Joint Workshop on Alternative Dispute Resolution for Online Consumer Transactions](#).
9. *Gore will win if geographic theory holds*, BIRMINGHAM NEWS, Apr. 2, 2000.
8. *Arbitration Law in Alabama: Separability and Unconscionability*, ALABAMA TRIAL LAWYERS ASSOCIATION JOURNAL, Fall 1999, at 22.
7. *Arbitration Law in Alabama: Coming Issues*, ALABAMA DEFENSE LAWYERS ASSOCIATION JOURNAL, Oct. 1999, at 17.
6. *Arbitration breaks courts' monopoly*, BIRMINGHAM NEWS, Aug. 22, 1999, at 3C.
5. *Clerkships* (with Todd J. Zywicki) and *Approaching the Job Market* in LAW SCHOOL AND BEYOND (1999).

OTHER PUBLICATIONS - continued

4. *Cutting Legal Costs Through Arbitration*, BUSINESS ALABAMA, June 1999, at 47.
3. *Basic Principles of Arbitration Law and Successful Challenges to Arbitration Agreements*, in ARBITRATION OF CONSUMER FINANCIAL SERVICES DISPUTES 797 (1999).
2. *Does a Court's Deference to an Arbitrator's Rulings Extend to Rulings on Whether the Dispute is Arbitrable?*, 1994-95 PREVIEW OF UNITED STATES SUPREME COURT CASES 271 (1995).
1. *Does a New York Choice-of-Law Clause in an Arbitration Agreement Preclude Recovery of Punitive Damages?*, 1994-95 PREVIEW OF UNITED STATES SUPREME COURT CASES 157 (1994).

CITATIONS

Scholarship cited in the YALE LAW JOURNAL, STANFORD LAW REVIEW, HARVARD LAW REVIEW, COLUMBIA LAW REVIEW, UNIVERSITY OF CHICAGO LAW REVIEW, NEW YORK UNIVERSITY LAW REVIEW, and the main law reviews of each of the other “Top 20” law schools in the country.

Scholarship cited by the Supreme Court of the United States and in at least 30 other federal and state cases.

31. [Schumacher Homes of Circleville, Inc. v. Spencer](#), 787 S.E.2d 650, 658 (W. Va. 2016).
30. [Armstrong World Indus., Inc. v. Travelers Indem. Co.](#), 115 A.3d 342 (Pa. Super. Ct. May 6, 2015).
29. [Schumacher Homes of Circleville, Inc. v. Spencer](#), 774 S.E.2d 1 (W. Va. Apr. 24, 2015).
28. [Seagate Tech., LLC v. W. Digital Corp.](#), 854 N.W.2d 750 (Minn. Oct. 8, 2014).
27. [Coleman v. Mariner Health Care, Inc.](#), 755 S.E.2d 450 (S.C. March 12, 2014) (Toal, C.J., dissenting).
26. [Merkin v. Vonage America Inc.](#), 2014 WL 457942 (C.D. Cal. Feb. 3, 2014).

CITATIONS - continued

25. [CompuCredit Corp. v. Greenwood](#), 132 S. Ct. 665, 672 (2012).
24. [Jung Sook Lee v. Tenafly Associates LLC](#), 2012 WL 2052102, at *5 (N.J. Super. Ct. App. Div. June 8, 2012).
23. [Maltby Biocontrol, Inc., et al. v. Biobest N.V., et al.](#), 2012 WL 12951472 (C.D. Cal. May 14, 2012).
22. [Gregorio v. GEICO Gen. Ins. Co.](#), 815 F. Supp. 2d 1097, 1102 (D. Ariz. 2011).
21. [Brown ex rel. Brown v. Genesis Healthcare Corp.](#), 724 S.E.2d 250, 278 (W. Va. 2011).
20. [In re Olshan Foundation Repair Co., LLC](#), 328 S.W.3d 883, 893 (Tex. 2010).
19. [Khan v. BDO Seidman, LLP](#), 935 N.E.2d 1174, 1191 (Ill. Ct. App. 2010).
18. [Rivera v. Centro Medico de Turabo, Inc.](#), 575 F.3d 10, 24 (1st Cir. 2009).
17. [In re Morgan Stanley & Co., Inc.](#), 293 S.W.3d 182, 194 (Tex. 2009) (Hecht, J., dissenting).
16. [Carlsbad Hotel Associates, L.L.C. v. Patterson-UTI Drilling Co., L.P., L.L.L.P.](#), 199 P.3d 288, 290 (N.M. Ct. App. 2008).
15. [Tracinda Corp. v. DaimlerChrysler AG](#), 502 F.3d 212, 223 n.10 (3d Cir. 2007).
14. [Ingold v. AIMCO/Bluffs, L.L.C. Apartments](#), 159 P.3d 116, 121 n.3 (Colo. 2007).
13. [Ex parte Walker](#), 972 So. 2d 737, 768 (Ala. 2007) (Parker, J., statement of non-recusal).
12. [Melena v. Anheuser-Busch, Inc.](#), 847 N.E.2d 99, 106 (Ill. 2006).
11. [Republican Party of Minnesota v. White](#), 416 F.3d 738, 747 (8th Cir. 2005).
10. [Branco v. Norwest Bank Minnesota, N.A.](#), 381 F. Supp. 2d 1274, 1281 (D. Hawai'i 2005).
9. [Dial 800 v. Fesbinder](#), 118 Cal. App. 4th 32, 46, 12 Cal. Rptr. 3d 711, 721 (2004), as modified (May 5, 2004)
8. [In re Moore](#), 290 B.R. 851, 876 n.20 (Bankr. N.D. Ala. 2003).

CITATIONS - continued

7. [Andersen v. Highland House Co.](#), 757 N.E.2d 329, 338 (Ohio 2001) (Cook, J., dissenting).
6. In re Knepp, 229 B.R. 821, 836 (Bankr. N.D. Ala.1999).
5. [Powertel, Inc. v. Bexley](#), 743 So. 2d 570, 576 (Fla. Dist. Ct. App. 1999).
4. [In re Prudential Ins. Co. of America Sales Practice Litigation All Agent Actions](#), 133 F.3d 225, 230 (3d Cir. 1998).
3. [Davis v. Prudential Securities, Inc.](#), 59 F.3d 1186, 1192 (11th Cir. 1995).
2. [Bensalem Tp. v. International Surplus Lines Ins. Co.](#), 38 F.3d 1303, 1311 n.3 (3d Cir. 1994).
1. [Allen v. Prudential Property and Cas. Ins. Co.](#), 839 P.2d 798, 801–02, 807 (Utah 1992).

PRESENTATIONS

Lawyers For Civil Justice, membership meeting, May 3, 2019.
Topic: arbitration.

Dole Institute of Politics, April 25, 2019.
Topic: [Political Polarization and the Supreme Court](#).
Co-presenter: Lee Epstein, Ethan A.H. Shepley Distinguished University Professor at Washington University.

Federalist Society, Law Professors Division, Jan. 4, 2019.
Panel presentation. Topic: Paternalism.

Faculty Workshop, Widener Commonwealth Law School, Oct. 15, 2018.
Topic: Paternalism.

Teleforum, Federalist Society, May 21, 2018.
Topic: [judicial selection](#).
Co-presenter: Vanderbilt University Law Professor Brian Fitzpatrick.

American Bar Association, Dispute Resolution Section, April 5, 2018.
Topic: arbitration.

PRESENTATIONS - continued

Missouri Bar Association, March 9, 2018

Topic: [Arbitration in Bankruptcy](#).

Federalist Society, Law Professors Division, Jan. 5, 2018.

Panel presentation. Topic: Soia Mentschikoff.

Platte Citizens for the Law and Humanities, Nov. 8, 2017.

Topic: judicial selection.

Co-presenters include Missouri Court of Appeals Judge Gary Witt and attorney Alan Simpson.

Southeastern Association of American Law Schools, Aug. 2, 2017.

Topic: arbitration.

Co-presenter: University of North Carolina Professor of Law Mark Weidemaier.

[Florida Bar Annual Convention, Constitution Revision Commission and Florida's Judiciary Presidential Showcase seminar, June 22, 2017.](#)

Co-presenters: Vanderbilt University Law Professor Brian Fitzpatrick, University of Pittsburgh Professor of Political Science Chris Bonneau, former Florida Supreme Court Justice Charles Wells, former Speaker of the Florida House of Representatives Dean Cannon, Richard Levenstein.

Loyola University of Chicago Consumer Law Review Symposium, March 17, 2017.

Topic: arbitration.

Co-presenter: Deepak Gupta.

Northwestern University Federalist Society, Feb. 14, 2017.

Topic: adhesion contracts.

Co-presenter: Northwestern University Law Professor Bruce Markell.

University of Chicago Federalist Society, Feb. 13, 2017.

Topic: [arbitration](#).

Co-presenter: University of Chicago Law School Professor Lisa Bernstein.

American Society of Comparative Law workshop on comparative business and financial law, Feb. 10, 2017.

Topic: European and U.S. Approaches to Consumer Financial Protection.

Co-presenter: Professor Andrea Boyack, Washburn School of Law.

American Bar Association, Dispute Resolution Section, Jan. 24, 2017.

Topic: consumer arbitration.

Co-presenters: Professor Sarah Cole, Ohio State, and Professor Imre Szalai, Loyola University.

PRESENTATIONS - continued

Federalist Society, Law Professors Division, Jan. 5, 2017.
Panel presentation. Topic: judicial retention elections.

Bahçeşehir Üniversitesi, Istanbul, Turkey, August 1, 2016.
Topic: Criminal and Civil Negotiation and Mediation.
American Bar Association, Dispute Resolution Section, Continuing Legal Education,
April 8, 2016. Topic: arbitration.

University of Chicago Institute of Politics, Feb. 18, 2016.
Topic: Justice Scalia's legacy.
Co-presenters: University of Chicago Law School Professors Geoff Stone, William
Baude, & Gerald Rosenberg.

American Bar Association, Dispute Resolution Section, Jan. 28, 2016.
Topic: arbitration, DirecTV case.
Co-presenters: Professor Jean Sternlight, UNLV, and Professor Imre Szalai, Loyola
University.

Association of American Law Schools, annual meeting, Jan. 9, 2016.
Panel presentation. Topic: How to Get the Most Out of the AALS.

Federalist Society, Law Professors Division, Jan. 8, 2016.
Moderator of panel presentations on several topics.

Consumer Financial Protection Bureau, Oct. 7, 2015.
Panel presentation. Topic: consumer arbitration.

Midwest Law & Economics Association, Oct. 3, 2015.
Individual presentation. Topic: arbitration.

American Bar Association, Business Law Section, Continuing Legal Education, Sept.
19, 2015.
Topic: arbitration in consumer contracts.
Co-presenter: Professor Ramona Lampley, St. Mary's University.

Southeastern Association of American Law Schools, Aug. 6, 2014.
Academic conference.
Roundtable presentation. Topic: Arbitration and the Consumer Financial Protection
Bureau.

PRESENTATIONS - continued

Law & Society Association, Annual Meeting, Minneapolis, MN, June 1, 2014.
Academic conference.
Topic: arbitration and the Consumer Financial Protection Bureau.

Penn State University, School of Law, Jan. 31, 2014.
Academic symposium. Topic: arbitration.
Resulted in publication of *Vacating Legally-Erroneous Arbitration Awards*, 6 Y.B. on Arb. & Mediation 56 (2014).

University of Kansas Continuing Legal Education, May 30, 2013.
Topic: judicial selection.

American Bar Association, Dispute Resolution Section, Continuing Legal Education, April 6, 2013.
Topic: arbitration.

IAALS – Institute for the Advancement of the American Legal System, University of Denver, March 28-29, 2013.
Professional conference. Topic: judicial selection.

Kansas City Kansas Chamber of Commerce, Jan. 18, 2013
Topic: judicial selection.
Co-presenter: former Kansas House Judiciary Chair Tim Owens.

University of Maryland, Carey School of Law, Nov. 2, 2012.
Academic symposium. Topic: arbitration.
Resulted in publication of *Is Adjudication a Public Good?: “Overcrowded Courts” and the Private-Sector Alternative of Arbitration*, 14 CARDOZO J. CONFLICT RESOL. 899 (2013).

Florida State University Federalist Society, Oct. 15, 2012.
Topic: judicial selection.
Co-presenter: University of Pittsburgh Professor of Political Science Chris Bonneau.

University of Colorado Federalist Society, Sept. 25, 2012.
Topic: financial crisis.
Co-presenter: University of Colorado Law Professor Erik Gerding.

Duke University School of Law Federalist Society, Jan. 11, 2012.
Topic: debtor-creditor law.
Co-presenter: University of North Carolina Law Professor Melissa Jacoby.

PRESENTATIONS - continued

George Washington University Federalist Society, Nov. 8, 2011.
Topic: judicial selection.
Co-presenters included former Federal Election Commissioner Karl Sandstrom.

University of Limerick, Ireland, Nov. 5, 2011.
Academic symposium. Topic: debtor-creditor law.
Resulted in publication of Stephen J. Ware, *An Overview of Bankruptcy Law in the United States*, 9 INT'L CORP. RESCUE 320 (2012).

Southeastern Association of American Law Schools, July 29, 2011.
Panel presentation. Topic: arbitration.

Iowa Federalist Society Lawyers' Chapter, Feb. 22, 2011.
Topic: [judicial selection](#).
Other presenters included Iowa Judicial Nominating Commissioner Guy Cook.

American Bar Association, Dispute Resolution Section, Continuing Legal Education, Feb. 8, 2011.
Topic: arbitration.

The University of Houston Law Center Federalist Society, Jan. 19, 2011.
Topic: plaintiffs' lawyers.
Co-presenter: University of Houston Law Professor Richard Alderman.

Federalist Society, Law Professors Division, Jan. 7, 2011.
Topic: arbitration.
Co-presenter: George Washington University Law Professor Larry Cunningham.

American Constitution Society, Washington, DC, Oct. 19, 2010.
Topic: arbitration.
Co-presenters included Georgetown University Law Professor Nina Pillard and Catholic University Law Professor Suzette Malveaux.

Practicing Law Institute, Continuing Legal Education, New York, NY, Aug. 11, 2010.
Topic: securities arbitration.

Wichita Bar Association, Continuing Legal Education, June 4, 2010.
Topic: judicial selection.

American Bar Association, Dispute Resolution Section, Continuing Legal Education, April 8, 2010.
Topic: mediation.

PRESENTATIONS - continued

Santa Clara University School of Law Federalist Society, April 7, 2010.
Topic: debtor-creditor law.
Co-presenter: Santa Clara University Law Professor Gary Neustadter.

University of Colorado Law School Federalist Society, April 6, 2010.
Topic: financial crisis.
Co-presenter: University of Colorado Law Professor Andrew Schwartz.

University of Nevada, Boyd School of Law, Feb. 13, 2010.
Academic symposium. Topic: bankruptcy law and arbitration.
Resulted in publication of Stephen J. Ware, *Similarities Between Arbitration and Bankruptcy Litigation*, 11 Nev. L. J. 436 (2011).

University of Nevada, Boyd School of Law Federalist Society, Feb. 11, 2010.
Co-presenter: University of Nevada Law Professor Nancy Rapoport.

University of Florida School of Law Federalist Society, Feb. 3, 2010.
Topic: arbitration.
Co-presenter: University of Florida Law Professor Leonard Riskin.

State Bar of Texas, Continuing Legal Education, Jan. 26, 2010.
Topic: arbitration.

St. John's University School of Law, Oct. 2, 2009.
Academic symposium. Topic: bankruptcy law and arbitration.
Resulted in publication of Stephen J. Ware, *Bankruptcy Law's Treatment of Creditors' Jury-Trial and Arbitration Rights*, 17 Am. Bankr. Inst. L. Rev. 479 (2009).

Yeshiva University, Cardozo School of Law Federalist Society, Sept. 30, 2009.
Topic: financial crisis.
Co-presenter: Cardozo Law Professor Eric Pan.

University of Missouri School of Law, Feb. 27, 2009.
Academic symposium. Topic: judicial selection.
Resulted in publication of Stephen J. Ware, *The Missouri Plan in National Perspective*, 74 MO. L. REV. 751 (2009).

Wichita Bar Association, Continuing Legal Education, Oct. 31, 2008.
Topic: bankruptcy.

Los Angeles County Bar Association, Oct. 22, 2008.
Panel presentation. Topic: arbitration.

PRESENTATIONS - continued

Resulted in publication of *The Future of Commercial Arbitration*, 9 PEPP. DIS. RES. J. 415 (2009) (with Richard Chernick, William F. Rylaarsdam & Thomas J. Stipanowich).

Southeastern Association of American Law Schools, Aug. 1, 2008.
Panel presentation. Topic: arbitration.

Hamline University School of Law Federalist Society, April 10, 2008.
Topic: arbitration.
Co-presenter: Hamline University Law Professor James Coben.
American Bar Association, Dispute Resolution Section, Continuing Legal Education, April 3, 2008.
Topic: dispute resolution.

Judge Hugh Means Inn of Court, Continuing Legal Education, March 26, 2008.
Topic: judicial selection.

University of Kansas, Students of Liberty, March, 25, 2008.
Topic: libertarianism.

Vanderbilt University Law School, Feb. 8, 2008.
Faculty research conference. Topic: arbitration.

George Mason University School of Law Federalist Society, Oct. 25, 2007.
Topic: arbitration.

Midwest Law & Economics Association, Oct. 13, 2007.
Individual presentation. Topic: judicial selection.

University of Minnesota School of Law Federalist Society, Oct. 12, 2007.
Topic: arbitration.

University of Missouri School of Law Federalist Society, Sept. 20, 2007.
Topic: arbitration.
Co-presenter: University of Missouri Law Professor Richard Reuben.

American Bar Association, Dispute Resolution Section, Continuing Legal Education, April 28, 2007.
Topic: arbitration.

University of Cincinnati College of Law, March 30, 2007.
Academic symposium. Topic: securities arbitration.

PRESENTATIONS - continued

Resulted in publication of Stephen J. Ware, *What Makes Securities Arbitration Different from Other Consumer and Employment Arbitration?* 76 U. CIN. L. REV. 447 (2008).

University of Nevada, Boyd School of Law, Jan. 26, 2007.

Academic symposium. Topic: arbitration.

Resulted in publication of Stephen J. Ware, *Arbitration Law's Separability Doctrine After Buckeye Check Cashing Inc. v. Cardegna*, 8 NEV. L. J. 107 (2007).

New York University School of Law, Nov. 29, 2005.

Guest teaching with Professor Sam Estreicher. Topic: arbitration.

Midwest Law & Economics Association, Oct. 14, 2005.

Individual presentation. Topic: arbitration.

Association of American Law Schools, Conference on Contract Law, June 15, 2005.

Panel presentation. Topic: arbitration and contracts.

University of Kansas Continuing Legal Education, June 10, 2005.

Topic: mediation.

Illinois Advanced Judicial Academy, Judicial Education, June 9, 2005.

Topic: mediation.

United States Chamber of Commerce, Apr. 14, 2005.

Topic: arbitration.

Co-presenters included N.Y.U. Law Professor Sam Estreicher.

Kansas Bar Association Annual Bankruptcy Institute, Continuing Legal Education, Apr. 1, 2005.

Topic: bankruptcy.

Topeka Area Bankruptcy Council, Continuing Legal Education, Nov. 18, 2004.

Topic: bankruptcy.

Faulkner University, Jones School of Law, May 19, 2004.

Academic symposium. Topic: arbitration.

Federalist Society, National Lawyers Convention, Nov. 13, 2003.

Topic: employment arbitration.

National Association of Insurance Commissioners, Mar. 10, 2003, Atlanta, GA.

Topic: arbitration.

PRESENTATIONS - continued

Association of American Law Schools, annual meeting, Jan. 3, 2003.
Panel presentation. Topic: arbitration.

Duke University School of Law, Oct. 4, 2002.
Academic symposium. Topic: arbitration.
Resulted in publication of Stephen J. Ware, *Arbitration Clauses, Jury-Waiver Clauses and Other Contractual Waivers of Constitutional Rights*, 67 LAW & CONTEMP. PROBS. 167 (2004).

Yale Law School, April 22, 2002.
Guest teaching with Professor Jennifer Brown. Topic: arbitration.

American Bar Association, Dispute Resolution Section, Continuing Legal Education, April 5, 2002.
Topic: arbitration.

University of Miami School of Law, Mar. 2, 2002.
Academic symposium. Topic: arbitration.
Resulted in publication of Stephen J. Ware, *Consumer and Employment Arbitration Law in Comparative Perspective: The Importance of the Civil Jury*, 56 U. MIAMI L. REV. 865 (2002).

University of Kansas School of Law, Feb. 2002.
Faculty workshop. Topic: secured transactions and bankruptcy.

Lewis & Clark College, Northwestern School of Law, Oct. 5, 2001.
Academic symposium. Topic: resolution of domain-name disputes.
Resulted in publication of Stephen J. Ware, *Domain-Name Arbitration in the Arbitration-Law Context: Consent to, and Fairness in, the UDRP*, 6 J. SMALL & EMERGING BUS. L. 129 (2002).

Hamline University School of Law, June 9-11, 2001.
Guest teaching. Topic: arbitration.

Capital University Law School, Jan. 31, 2001.
Academic symposium. Topic: judicial selection.
Resulted in re-publication of Stephen J. Ware, *Money, Politics and Judicial Decisions: A Case Study of Arbitration Law in Alabama*, 30 CAP. U. L. REV. 583 (2002).

University of Missouri, Oct. 20, 2000.
Academic symposium. Topic: arbitration.

PRESENTATIONS - continued

Resulted in publication of Stephen J. Ware, *Paying the Price of Process: Judicial Regulation of Consumer Arbitration Agreements*, 2001 J. DISP. RESOL. 89.

Samford University, Cumberland School of Law, Continuing Legal Education, Oct. 6, 2000.

Topic: bankruptcy.

Faulkner University, Jones School of Law, Sept. 12-13, 2000.

Academic symposium. Topic: arbitration.

Southeastern Association of American Law Schools, Aug. 1, 2000.

Panel presentation. Topic: arbitration.

American Bar Association, Dispute Resolution Section, Committee on Arbitration, Continuing Legal Education, July 8, 2000.

Topic: arbitration.

Federal Trade Commission/Department of Commerce, public workshop, June 7, 2000.

Topic: arbitration.

Faulkner University, Jones School of Law, Feb. 9, 2000.

Academic symposium. Topic: arbitration.

University of Nevada, Boyd School of Law, Jan. 28, 2000.

Faculty workshop. Topic: arbitration.

Pace University School of Law, Jan. 21, 2000.

Faculty workshop. Topic: arbitration.

Federalist Society Law Professors Division, Jan. 6, 2000.

Stetson University College of Law, Dec. 6, 1999.

Faculty workshop. Topic: arbitration.

The Ohio State University, November 11, 1999.

Academic symposium. Topic: ADR in cyberspace.

Resulted in publication of Stephen J. Ware & Sarah Rudolph Cole, *ADR in Cyberspace*, 15 OHIO ST. J. ON DISP. RESOL. 589 (2000).

Alabama Civil Justice Reform Committee, Nov. 2, 1999.

Topic: arbitration.

Cleveland State University, Cleveland-Marshall College of Law, Oct. 26, 1999.

Faculty workshop. Topic: arbitration.

PRESENTATIONS - continued

Case Western Reserve University, School of Law, Oct. 25, 1999.
Faculty workshop. Topic: arbitration.

Faulkner University, Jones School of Law, July 23-24, 1999.
Guest teaching. Topic: arbitration.

Practicing Law Institute, New York, NY, Continuing Legal Education, Feb. 22, 1999.
Topic: arbitration.

Federalist Society Law Professors Division, Jan. 7, 1999.
Topic: Judicial Selection.

College of William & Mary, School of Law, Nov. 6, 1998.
Faculty workshop. Topic: arbitration.

George Mason University School of Law, Nov. 5, 1998.
Faculty workshop. Topic: arbitration.

Southeastern Association of American Law Schools, July 1998.
Panel presentation. Topic: arbitration.

Pennsylvania State University, Dickinson School of Law, Nov. 1997.
Faculty workshop.

University of the Pacific, McGeorge School of Law, April 19, 1997.
Academic symposium. Topic: arbitration.
Resulted in publication of Stephen J. Ware, *Consumer Arbitration as Exceptional Consumer Law*, 29 MCGEORGE L. REV. 195 (1998).

Institute for Humane Studies, Fairfax, VA, July 8, 1994.
Topic: arbitration. Commentators included Harvard University Law Professor Bruce Hay and Georgetown University Law Professor Carrie Menkel-Meadow.

TEACHING - continued

Commercial Transactions:

- Secured Transactions
- Payment Systems
- Sales (Domestic and International).

Bankruptcy/Debtor-Creditor.

Consumer Law.

Contracts.

Alternative Dispute Resolution:

- Arbitration
- Mediation
- Negotiation.

EXTERNAL REVIEWER FOR THE AWARD OF A CHAIR, PROMOTION, TENURE OR SIMILAR

Vanderbilt University

University of North Carolina

University of Georgia

The Ohio State University

University of Colorado

University of Missouri

University of Kansas

University of Tennessee

University of California, Irvine

Michigan State University

Georgia State University

University of Louisville (2006 & 2014)

Loyola University

**EXTERNAL REVIEWER FOR THE
AWARD OF A CHAIR, PROMOTION, TENURE OR SIMILAR - continued**

University of Mississippi
University of Missouri – Kansas City
Creighton University
South Texas College of Law
University of the Pacific
Widener University
University of Memphis
Elon University

TESTIMONY (Federal)

United States Congress, House Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, Sept. 15, 2009.

[United States Congress, Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition and Consumer Rights and Senate Special Committee on Aging, June 18, 2008.](#)

TESTIMONY (State)

Kansas Legislature, House Judiciary Committee, Jan. 22, 2015.

Kansas Legislature, House Judiciary Committee, Jan. 22, 2013.

[Kansas Legislature, Senate Judiciary Committee, Jan. 16, 2013.](#)

Kansas Legislature, House Judiciary Committee, Jan. 16, 2013.

Missouri Legislature, Senate Judiciary Committee, April 2, 2012.

Iowa Legislature, House Judiciary Committee, Feb. 22, 2011.

Kansas Legislature, House Judiciary Committee, Feb. 16, 2011.

TESTIMONY (State) - continued

Missouri Legislature, Senate Committee on Governmental Accountability and Fiscal Oversight, March 12, 2009.

Kansas Legislature, House Judiciary Committee, Feb. 13, 2009.

Kansas Legislature, House Federal and State Affairs Committee, Feb. 21, 2008.

Missouri Legislature, House General Laws Committee, Feb. 20, 2008.

Kansas Legislature, Senate Judiciary Committee, March 20, 2007.

Kansas Legislature, House Judiciary Committee, Feb. 6, 2007.

TESTIMONY (Court)

North Carolina Superior Court, Wilmington, NC, June 28-29, 2011.

SERVICE

Editorial Board, Journal of Legal Education, 2016-2019

Chair, Curricular Innovation Committee, 2011- 2014

Chair, Faculty Appointments Committee, 2004-2008

Chair, Faculty Workshops Committee, 2008-09

Chair, Career Services Committee, 2019-20

Provost's sole Representative on Grievance Committee, 2001
(reviewing law school's only denial of tenure in over a decade)

Dean Search Committee, 2000-01

Post-Tenure Review Committee, 2016-18, Chair 2017-18

Manager of KU Law Commercial Litigation Practice Group, 2017-present

Promotion & Tenure Committee, 2015-16, 2019-20

Chair, Loans and Scholarships Committee, 2001-02

SERVICE - continued

University Committee on Faculty Rights, Privileges and Responsibilities, 2010 - 2012,
Committee Appointee to Scholarly Misconduct Hearing

Policy Committee, 2000-01 (elected by law faculty to appoint other committees)

Student-selected Faculty Representative to Honor Code Hearing, 2007

Coach, ABA Representation in Mediation Competition, 2000-2004
(National Finalists 2000-01, Region Winners 2001-02)

Coach, National Moot Court Competition on Bankruptcy Law, 1998, 2003 – present

Regularly evaluate and report on teaching of tenure-track colleagues, 2010 – present

Judge, American Bar Association Section on Dispute Resolution, Boskey Law Student
Essay Competition, 2008 (approx.) - present

Co-Founder, Law & Philosophy Book Group, 2008 - present

Co-Director, Law & Economics Lunch Group, 2008 – 2011
Career Services Committee, 2014–16

Faculty Appointments Committee, 1997-2001, 2009

Academic Committee, 1997-98, 2002-04, 2010-11

Admissions Committee, 2010-11

Technology Committee, 2003-06

Advocacy and Clinical Education Committee, 1999-2001

Budget Committee, 1994-96

Judicial Clerkship Committee, 1994-97, 2002-03

Loans and Scholarships Committee, 1993-94

Strategic Planning Committee, 1996-97

Faculty Recorder, 1993-94

SERVICE - continued

Faculty Advisor to Student Bar Association, 1994-2003

Faculty Advisor to Phi Delta Phi, 1993-94

Faculty Advisor to Federalist Society, 2003-present

Elected Law School Representative, University Faculty Executive Council, 1995-1996

University Academic Affairs Committee, 1994-96

PROFESSIONAL MEMBERSHIPS

American Law Institute, elected Sept. 21, 2012.

Arbitrator, American Arbitration Association.

American Bar Association:

- Section on Dispute Resolution

- Section on Legal Education.

Kansas Bar Association.

Admitted to practice, New York, 1991.

MEDIA APPEARANCES

Television, radio and print outlets including THE WALL STREET JOURNAL, THE NEW YORK TIMES, THE FINANCIAL TIMES, THE WASHINGTON POST and THE NATIONAL LAW JOURNAL.

CONSULTING

Summer 2019 re: contract law.

Summer 2019 re: arbitration.

Spring 2018 re: secured transactions.

Spring 2016 re: arbitration.

Winter 2015 re: arbitration.

CONSULTING - continued

Summer 2014 re: arbitration.

Spring 2014 re: arbitration.

Winter 2014 re: domain-name dispute resolution.

Spring 2012 re: arbitration.

Summer 2011 re: arbitration.

Spring 2011 re: arbitration.

Fall 2010 re: arbitration.

Winter 2009 re: arbitration.

Winter 2007 re: indemnity and other risk-allocation clauses.

Winter 2006 re: patent law and dispute resolution procedures.

Fall 2004 re: Fair Credit Reporting Act and Real Estate Settlement Procedures Act.

Winter 2004 re: arbitration.

Fall 2003 re: arbitration.

Fall 2002 re: arbitration.

Spring 2002 re: negotiable instruments.

Spring 2002 re: consumer arbitration.

Fall 2001 re: punitive damages.

Fall 2000 re: consumer arbitration.

Spring 1999 re: employment arbitration.

Spring 1998 re: telemarketing.

Summer 1997 re: judicial review of arbitration.

CONSULTING - continued

Spring 1997 re: contract and consumer fraud.

Winter 1997 re: employment arbitration.

Winter 1997 re: contract law.

Summer 1996 re: insurance arbitration.

Spring 1995 re: statute of frauds.