

CURRICULUM VITAE

Donald J. Smythe **Chief Justice Roger J. Traynor Professor of Law**

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EDUCATION: B.A., M.A. (Economics), 1983, Carleton University; M.Phil., Ph.D. (Economics), 1992, Yale University; J.D., 1999, University of Virginia.

CURRENT POSITION:

Professor of Law, California Western School of Law, 2011-present.

PREVIOUS POSITIONS:

Vice Dean for Academic Affairs, California Western School of Law, 2017- 19.
Associate Professor of Law, California Western School of Law, 2007-11.
Associate Professor of Economics and Law, Washington and Lee University, 2004-2007.
Assistant Professor of Law, California Western School of Law, 2001-2004.
Visiting Assistant Professor of Economics, Washington and Lee University, 1999-2001.
Summer Associate, Hughes, Hubbard, and Reed, summer 1998.
Assistant Professor of Economics, University of Texas at Arlington, 1992-96.
Economist, Government of Canada, 1991-1992.
Lecturer in Economics, Yale University, 1990-1991.

TEACHING FIELDS:

Property I, Property II, Community Property, Secured Transactions, Sales, International Sales, Law and Economics, Legal Analysis.

PUBLICATIONS:

You may view some of my research on my SSRN Author page:
<http://ssrn.com/author=495045>

- *SCOTUS in the Strait of Messina*, Tex. Rev L. & Pol. (forthcoming).

- *The Power to Exclude and the Power to Expel*, 66 Clev. St. L. Rev. 367 (2018).
- *The Illiberty of Contract*, 35 Quinnipiac L. Rev. 461 (2017).
- *Reasonable Standards for Contract Interpretation under the CISG*, Cardozo J. Int'l & Comp. L. 1 (2016).
- *Clearing the Clouds on the CISG's Warranty of Title*, 36 Nw. J. Int'l Law & Bus. 509 (2016).
- *Liberty at the Borders of Private Law*, 49 Akron L. Rev. 1 (2015).
- *Consideration for a Price: Using the Contract Price to Interpret Ambiguous Contract Terms*, 34 N. Ill. U. L. Rev. 109 (2013).
- *Social Network Theory and the Diffusion of the Search and Seizure Exclusionary Rule Among State Courts Between Weeks and Wolf*, 27 BYU J. Pub. L. 101 (2012) (with Larry Benner and Robert Bird).
- *Social Network Analysis and the Diffusion of the Strict Liability Rule for Manufacturing Defects, 1963-87*, 37 Law & Soc. Inquiry 565 (2012) (with Robert Bird).
- *The Rise of the Corporation, the Birth of Public Relations, and the Foundations of Modern Political Economy*, 50 Washburn L. J. 635 (2011).
- *The Road to Nowhere: Caterpillar v. Usinor and CISG Claims by Downstream Buyers against Remote Sellers*, 2 Geo. Mason U. J. OF Int'l Com. L. 123 (2011).
- *Impossibility and Impracticability*, in Encyclopedia Of Law And Economics, Second Edition, edited by Boudewijn Bouckaert and Gerrit De Geest (2011).
- *A Schumpeterian View of the Great Merger Movement in American Manufacturing*, 4 Cliometrica 141 (2010).
- *The Scope of a Bargain and the Value of a Promise*, 60 S. C. L. Rev. 203 (2008).
- *The Structure of American Legal Institutions and the Diffusion of Wrongful-Discharge Laws, 1978-99*, 42 Law & Soc'y Rev. 833 (2008) (with Robert Bird).
- *Transaction Costs, Neighborhood Effects, and the Diffusion of the Uniform Sales Act, 1906-47*, 4 Rev. L. & Econ. 16 (2008).
<http://www.bepress.com/rle/vol4/iss1/art16>

- *Commercial Law in the Cracks of Judicial Federalism*, 56 Cath. U. L. Rev. 451 (2007).
- *Shareholder Democracy and the Economic Purpose of the Corporation*, 63 Wash. & Lee L. Rev. 1407 (2007). (Symposium: Understanding Corporate Law Through History).
- *A Note on the Welfare Effects of Horizontal Mergers in Asymmetric Linear Oligopolies*, 7 Annals Econ. & Fin. 29 (2006). (with S.Heubeck and J. Zhao).
- *The Complete Welfare Effects of a Cost Reduction by Cournot Firms*, 87 J. Econ. (Zeitschrift Fur Nationalokonomie) 181 (2006). (with J. Zhao).
- *The Supreme Court and the Trusts: Antitrust and the Foundations of Modern American Business Regulation from Knight to Swift*, 39 U.C. Davis L. Rev. 85 (2005).
- *Bounded Rationality, the Doctrine of Impracticability, and the Governance of Relational Contracts*, 13 S. Cal. Int. L. J. 227 (2004).
- *The Role of Contractual Enforcement and Excuse in the Governance of Relational Agreements: An Economic Analysis*, Global Jurist Frontiers: Vol. 2: No. 2, Article 3 (2002).
<http://www.bepress.com/gj/frontiers/vol2/iss2/art3>
- *Daubert, Expert Economic Testimony, and Antitrust Litigation*, Proceedings of the Conference on Expert Evidence, Causation, Proof and Presentation at the International Institute for Forensic Studies, Prato, Italy, July, 2002.
- *The Great Merger Movement and the Diffusion of Electric Power Utilization In American Manufacturing, 1899-1909: A Simple Test of the Schumpeterian Hypothesis*, 27 East. Econ. J. 253 (2001).
- *The Dynamics of Oligopoly Behavior: A Study of the U.S. Cigarette Industry, 1955-90*, 3 Int'l J. Econ. Bus. 185 (1996).
- *Book review of Specialization and Economic Organization* by X. Yang and Y.K. Ng, 32 J. Econ. Lit. 691 (1994).

OTHER MANUSCRIPTS AND WORKING PAPERS:

- “Estimating Law Schools’ Cumulative Passage Rates on the California Bar Exam: Some Observations and Conjectures.”

- “Why was the Uniform Sales Act Adopted in Some States but not Others?”
- “Ranking Law Schools Using Reported California Bar Exam Results: Some Observations and Conjectures.”

SERVICE AND COMMITTEE RESPONSIBILITIES AT CALIFORNIA WESTERN SCHOOL OF LAW:

Chair, ABA Site Visit Committee, 2019-present.
 Faculty Admissions Committee, 2009-2014, 2015-17, 2019-present.
 Vice Dean for Academic Affairs, 2017-19.
 Corporate Secretary 2017-19.
 Dean’s Direct Reports Committee, 2016-19.
 Ex-Officio All Faculty Committees, 2017-19.
 Enrollment Management Committee, 2016-19.
 Budget Committee, 2016-present; Admissions Committee, 2009-2014, 2015-17.
 Joint Committee on Learning Objectives and Institutional Assessment, 2016-17.
 Academic Affairs Committee, 2016-17.
 Ad Hoc Committee to Revise Faculty Bylaws, 2015- 16.
 Statistical Study and Report: “California Western School of Law’s Curriculum and its Graduates California Bar Passage Results,” 2014-15.
 Administrative Advisory Committee, 2014- 15.
 Chair, Faculty Executive Committee, 2014- 15.
 Faculty Appointments Committee, 2002-03, 2008-09, 2012-13.
 Faculty Representative to the Board of Trustees, 2010-12.
 Special Task Force on Proposed Combination with UCSD, 2009-11.
 Library and Curriculum Committee, 2009-10.
 Visitor Appointments Committee, 2007-2008.
 Faculty Development Committee, 2002-4, 2007-2008.
 Audit and Finance Committee, 2003-2004.