

DAVID S. CLARK Résumé

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Willamette University College of Law, 245 Winter Street SE, Salem, OR 97301
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Bar Membership: California
Costa Rica (Colegio de Abogados, visiting) 1969-1971

Education:

Law and Modernization Program fellowship, Yale Law School, 1972-1973

J.S.M. degree Stanford Law School 1972
Law and Development Program fellowship 1972
Latin American Area Studies research grant 1969-1970
Thesis: Legal Aspects of Renting, Sharecropping, and Other Indirect Land Tenure
Forms in Costa Rica (1972)

J.D. degree Stanford Law School 1969
James Beardsley scholarship 1966-1969
Senior Thesis Program: Law and the Political Economy of Chilean Copper (1969)

A.B. degree Stanford University 1966
California State scholarship 1962-1966
Economics Honors Program
Stanford-in-Britain I (Lincolnshire) 1966

Languages: Fluent in Spanish and German, good French and Italian

Teaching and Research Experience:

Maynard and Bertha Wilson Professor of Law, Willamette University College of Law,
since 2002 (Civil Procedure, Comparative Law, Dispute Resolution, European
Union Law; Anglo-American Legal History).

U.S. State Department's Speaker and Specialist Program, Ecuador (Quito, Guayaquil,
Loja), October 2010.

Max Kade Visiting Professor of Law, Bucerius Law School (Hamburg), fall 2007;
Commerzbank Visiting Professor of Law, fall 2002 (Comparative Law).

Visiting Scholar, Istituto di Filosofia e Sociologia del Diritto (Milan), October-November
2007.

Visiting Professor of Law, Tulane University Law School (Spetses, Greece), summer
2004 (Transnational Litigation).

Visiting Scholar, Institute of Advanced Legal Studies (London), spring 2000, fall 2001.

Professor of Law, University of Tulsa College of Law, 1981 to 2001 (Civil Procedure, Comparative Law, Comparative Constitutional Law, Conflict of Laws, Federal Courts, International Law, Jurisprudence, Transnational Litigation). Founding Director, Comparative and International Law Center, 1993 to 2001. Associate Professor of Law, 1978 to 1981.

Visiting Professor of Law, Instituto Tecnológico y de Estudios Superiores de Monterrey (Mexico), fall 2000 (Comparative Law, Tulane Ph.D. Program).

Inns of Court Fellowship, Inner Temple (London), spring 2000.

Visiting Professor of Law, University of Houston Law Center, fall 1999 (Comparative Law, Transnational Litigation).

Fulbright Trento Chair in Comparative Law (Senior Scholar Program), Università degli Studi di Trento Facoltà di Giurisprudenza (Italy), spring 1999 (Transnational Litigation).

Visiting Scholar, Institut suisse de droit comparé (Lausanne), summers 1997, 1999.

Visiting Scholar, Max-Planck-Institut für ausländisches und internationales Privatrecht (Hamburg), 1984-1985, summers 1986, 1987, 1989, 1990, fall 1992, summers 1994, 1996 to 1998, 2000 to 2004, 2007.

Wing-Tat Lee Chair in International and Comparative Law, Loyola University Chicago, School of Law, spring 1996 (Comparative Law).

Consultant, Commercial Law Project for Ukraine (Kyiv), 1995 to 1997.

Visiting Professor of Law, Instituto Internacional de Sociología Jurídica de Oñati (Spain), November 1994 (Introduction to U.S. Law).

Consultant, National People's Congress, Legislative Affairs Commission (Beijing), July 1994.

Research Fellowship, Max Planck Gesellschaft (Germany), fall 1992, summers 1994, 2000.

Visiting Professor of Law, University of Colorado School of Law, fall 1989 (Comparative Law, International Law).

Visiting Professor of Law, Universitat Autònoma de Barcelona Facultat de Dret (Spain), May 1988 (Comparative Law).

Dan Hopson Distinguished Visiting Professor of Law, Southern Illinois University

School of Law, fall 1987 (Comparative Law).

Senior Research Fellowship, Alexander von Humboldt-Stiftung (Germany), 1984-1985, summers 1986, 1987.

Lecturer, Oklahoma Bar Review, 1980 to 1990 (Federal Jurisdiction).

NEH Summer Humanities Seminar for Law Teachers, Stanford University, August 1981 (Economic Rights).

Visiting Associate Professor of Law, University of San Diego Institute on International and Comparative Law (Guadalajara), summer 1978 (Comparative Law).

Assistant Professor of Law, Louisiana State University Law Center, 1976 to 1978 (Civil Law Systems, Constitutional Law, Contracts, Criminal Procedure, Family Law).

Assistant Director, Studies in Law and Development, Stanford Law School, 1973 to 1976 (Coordination of research on the legal systems of seven nations: Chile, Colombia, Costa Rica, Italy, Mexico, Peru, Spain).

Lecturer in Law, University of Santa Clara Law School, 1974 to 1976 (Comparative Law).

Visiting Professor of Law, Universidad de Costa Rica Escuela de Derecho (San José), 1969 to 1971 (Agrarian Law).

Assistant Director, Instituto de Investigaciones Jurídicas (San José, Costa Rica), International Legal Center, 1971. Research Consultant, 1969 to 1970.

Publications:

Books

Comparative Law: Historical Development of the Civil Law Tradition in Europe, Latin America, and East Asia (with John Merryman & John Haley, Lexis-Nexis 2010).

Encyclopedia of Law and Society: American and Global Perspectives (editor in chief, 3 vols., Sage Publications 2007).

American Law in the 21st Century: U.S. National Reports to the XVIIth International Congress of Comparative Law (editor, with John Reitz, 54 *Am. J. Comp. L.* 1-754, Supp. 2006).

The Organization of Lawyers and Judges (16 *International Encyclopedia of Comparative Law* (Civil Procedure, chap. 3, 157 pp., Mohr Siebeck & Martinus Nijhoff 2002).

Introduction to the Law of the United States (editor, with Tuğrul Ansay, Kluwer Law International, 2d ed. 2002, 1st ed. 1992). Translated into Chinese and Polish.

Oxford Companion to American Law (editor, with Kermit Hall, John Ely, Jr., Joel Grossman & Natalie Hull, Oxford U.P. 2002).

Oklahoma Civil Pretrial Procedure: Jurisdiction, Service of Process, Venue (with Charles Adams, West 1995).

The Civil Law Tradition: Europe, Latin America, and East Asia (with John Merryman & John Haley, Lexis-Nexis & Michie 1994).

Comparative and Private International Law: Essays in Honor of John Henry Merryman on His Seventieth Birthday (editor, Duncker & Humblot 1990).

Oklahoma Civil Pretrial Procedure (Oklahoma Bar Review 1983).

Law and Social Change in Mediterranean Europe and Latin America: A Handbook of Legal and Social Indicators for Comparative Study (with John Merryman & Lawrence Friedman, Oceana 1979).

Comparative Law: Western European and Latin American Legal Systems (with John Merryman, Michie, Bobbs-Merrill 1978).

Renting, Sharecropping, and Other Indirect Land Tenure Forms in Costa Rica: A Legal and Economic Analysis (University of Costa Rica 1971). Also published as *Arrendamiento, Aparcería y Otras Formas Indirectas de Tenencia de la Tierra en Costa Rica: Análisis Jurídico y Económico* (1971).

Articles

Comparative Law in Colonial British America, 59 *Am. J. Comp. L.* 637-74 (2011).

American Law Schools in the Age of Globalization: A Comparative Perspective, 61 *Rutgers L. Rev.* 1037-78 (2009).

Comparative Law in United States Legal Education, 5 *Soochow L.J.* 147-73 (2008).

The Modern Development of American Comparative Law: 1904-1945, 55 *Am. J. Comp. L.* 587-615 (2007). American Society of Comparative Law Rudolf B. Schlesinger Senior Scholar Prize for best 2007 article. Translated into Chinese by Chunhua Dong for *Journal of Comparative Law* 137-54 (no. 2, Mar. 2010).

Development of Comparative Law in the United States, in *Oxford Handbook of Comparative Law* 175-213 (Mathias Reimann & Reinhard Zimmermann eds., Oxford U. P. 2006). Translated into Chinese by Shiyuan Han (2010) and into Arabic (2010): Dāyfid S. Klārġ, Taṭawwur al-qānūn al-muqāran fi-l-wilāyāt al-muttaḥida, in *Kitāb uksfūr li-l-qānūn al-muqāran* 287-344 (Beirut: Muḥammad Sirāj trans., 2010).

American Participation in the Development of the International Academy of Comparative Law and Its First Two Hague Congresses, 54 *Am. J. Comp. L.* 1-21 (Supp. 2006) and in *American Law in the 21st Century: U.S. National Reports to the XVIIth International Congress of Comparative Law* 1-21 (John Reitz & David Clark eds. 2006).

The Story of Early American Comparative Law, in *Festschrift Liber Amicorum Tuğrul Ansay: Zum 75. Geburtstag / In Honor of His 75th Birthday* 33-46 (Sabih Arkan & Aynur Yongalik eds., Kluwer Law International 2006).

Establishing Comparative Law in the United States: The First Fifty Years, 4 *Wash. U. Global Stud. L. Rev.* 583-93 (2005).

American Legal Education: Yesterday and Today, 10 *Int'l J. Leg. Profession* 93-108 (2003).

Italian Styles: Criminal Justice and the Rise of an Active Magistracy, in *Legal Culture in the Age of Globalization: Latin America and Latin Europe* 239-84 (Lawrence Friedman & Rogelio Pérez Perdomo eds., Stanford U.P. 2003). Also published as *Estilos italianos: la justicia penal y el ascenso de la judicatura activista*, in *Culturas jurídicas latinas de Europa y América en tiempos de globalización* 433-501 (Héctor Fix Fierro et al. eds., Universidad Nacional Autónoma de México 2003); Italian Criminal Justice and the Rise of an Active Magistracy, 11 *Digest* 1-25 (2003).

The Relative Importance of Judiciaries in Distinct Legal Traditions, in *Law and Justice in a Multistate World* 609-27 (James Nafziger & Symeon Symeonides eds., Transnational Publishers 2002) (Arthur von Mehren Essays).

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The American Legal System and Legal Culture, Legal Education and the Legal Profession, The Sources of Law, Civil Procedure, and An American Case [5 chaps.], in *Introduction to the Law of the United States* 1-52, 373-419, 451-73 (David Clark & Tuğrul Ansay eds., Kluwer Law International, 2d ed. 2002, 1st ed. 1992).

The Stool's Third Leg: Unification of Law in Berlin, Rome, and Washington from the 1920s to the 1940s, in *Aufbruch nach Europa: 75 Jahre Max-Planck-Institut für Privatrecht* 39-50 (Jürgen Basedow et al. eds., Mohr Siebeck 2001).

Nothing New in 2000? Comparative Law in 1900 and Today, 75 *Tulane L. Rev.* 871-912 (2001) (Centennial World Congress on Comparative Law Issue).

Comparing the Work and Organization of Lawyers Worldwide: The Persistence of Legal Traditions, in *Lawyers' Practice and Ideals: A Comparative View* 9-155 (John Barceló III & Roger Cramton eds., Kluwer Law International 1999).

Transnational Legal Practice: The Need for Global Law Schools, 46 *Am. J. Comp. L.* 261-74 (Supp. 1998) and in *American Law at the End of the 20th Century: U.S. National Reports to the XVth International Congress of Comparative Law* 261-74 (George Bermann & Symeon Symeonides eds. 1998).

State Court Recognition of Tribal Court Judgments: Securing the Blessings of Civilization, 23 *Okla. City U.L. Rev.* 353-78 (1998) (New Directions in Native American Law Special Issue). Also published in *Festschrift für Ulrich Drobnig zum siebzigsten Geburtstag* 227-45 (Jürgen Basedow et al. eds., Mohr Siebeck 1998).

The Organization and Social Status of Lawyers, in *Papel e Organização de Magistrados e Advogados nas Sociedades Contemporâneas/Role and Organization of Judges and Lawyers in Contemporary Societies* 254-303 (A. Pessoa Vaz ed., General Reports: IXth World Conference on Procedural Law 1995).

The Use of Comparative Law by American Courts, 42 *Am. J. Comp. L.* 23-40 (Supp. 1994) and in *U.S. National Reports to the XIVth Congress of the International Academy of Comparative Law* 23-40 (George Bermann et al. eds. 1994). Reprinted and updated in *The Use of Comparative Law by Courts* 297-314 (Ulrich Drobnig & Sief van Erp eds., Kluwer Law International 1999).

The Influence of Ernst Rabel on American Law, in *Der Einfluß deutscher Emigranten auf die Rechtsentwicklung in der USA und in Deutschland* 107-26 (Marcus Lutter et al. eds., Mohr Siebeck 1993).

The Civil Law Influence on David Dudley Field's Code of Civil Procedure, in *The Reception of Continental Ideas in the Common Law World: 1820-1920*, at 63-87 (Mathias Reimann ed., Duncker & Humblot 1993).

Civil Litigation Trends in Europe and Latin America since 1945: The Advantage of Intracountry Comparisons, 24 *Law & Soc'y Rev.* 549-69 (1990) (Special Issue on Longitudinal Studies of Trial Courts).

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La selección y la responsabilidad de jueces en los Estados Unidos de América bajo una perspectiva comparativa, in 1 *Derecho constitucional comparado, México-Estados Unidos* 453-68 (James Smith ed., UNAM 1990).

Civil and Administrative Courts and Procedure, 38 *Am. J. Comp. L.* 181-206 (Supp. 1990) and in *U.S. Law in an Era of Democratization* 181-206 (John Hazard & Wenceslas Wagner eds. 1990).

The Selection and Accountability of Judges in West Germany: Implementation of a *Rechtsstaat*, 61 *S. Cal. L. Rev.* 1795-1847 (1988) (Judicial Selection and

Accountability Symposium). Two comments on this article followed at *ibid.* 1849-64 (by Paul Geller) and *ibid.* 1865-76 (by John Merryman).

Civil Litigation, Access to Justice, and Social Change: Research Issues in Longitudinal Court Studies, 12 *S. Ill. U.L.J.* 713-29 (1988).

The Medieval Origins of Modern Legal Education: Between Church and State, 35 *Am. J. Comp. L.* 653-719 (1987).

The Role of Legal Education in Defining Modern Legal Professions, 1987 *B.Y.U.L. Rev.* 595-612 (Comparative Law Symposium). Also published in *Laws and Rights: Proceedings of the International Congress of Sociology of Law for the Ninth Centenary of the University of Bologna* 103-22 (Vincenzo Ferrari ed., Giuffrè 1991).

Tracing the Roots of American Legal Education--A Nineteenth Century German Connection, 51 *Rabels Zeitschrift* 313-33 (1987). Reprinted in *History of the Common Law: The Development of Anglo-American Legal Institutions* 995, 960-62 (John Langbein et al. eds., Wolters Kluwer 2009) and 1 *The History of Legal Education in the United States: Commentaries and Primary Sources* 495-508 (Steve Sheppard ed., Salem Press 1999).

Venue in Civil Actions, 36 *Okla. L. Rev.* 643-67 (1983).

Service of Civil Process in Oklahoma, 18 *Tulsa L. J.* 571-618 (1983).

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Adjudication to Administration: A Statistical Analysis of Federal District Courts in the Twentieth Century, 55 *S. Cal. L. Rev.* 65-152 (1981), excerpt in Walter Murphy & C. Herman Pritchett, *Courts, Judges, and Politics: An Introduction to the Judicial Process* 104-08 (4th ed., Random House 1986).

Witchcraft and Legal Pluralism: The Case of Célimo Miquirucama, 15 *Tulsa L. J.* 679-98 (1980) (Indian Law Symposium).

American Supreme Court Caseloads: A Preliminary Inquiry, 26 *Am. J. Comp. L.* 217-32 (Supp. 1978) and in *Law in the U.S.A. in the Bicentennial Era* 217-32 (John Hazard & Wenceslas Wagner eds. 1978).

Measuring the Duration of Judicial and Administrative Proceedings, 75 *Mich. L. Rev.* 89-99 (1976) (with John Merryman), commentary by David Doane at *ibid.* 100-05. Also published in 1976 *Sociologia del Diritto* 363-76 (1976).

Judicial Protection of the Constitution in Latin America, 2 *Hastings Const. L. Q.* 405-42 (1975).

De la Aparcería, el Esquilmo y el Gratuito, in *Derecho Agrario* 407-36 (Oscar Salas & Rodrigo Barahona eds., Universidad de Costa Rica 1973).

De los Arrendamientos Rústicos, in *ibid.* 371-406.

Introducción al Estudio de la Tenencia de la Tierra en Costa Rica, in *ibid.* 195-224.

Book Reviews and Comments

Comparative Law Methods in the United States, 16 *Roger Williams U.L. Rev.* 134-38 (2011) (Methodological Approaches to Comparative Law Symposium).

United States of America, Law of, in *The New Oxford Companion to Law* 1209-11 (Peter Cane & Joanne Conaghan eds., Oxford U.P. 2008).

Introduction, American Society of Comparative Law, and Comparative Legal Systems [3 entries], in *Encyclopedia of Law and Society: American and Global Perspectives* lxvii-lxix, 61-63, and 224-31 (David Clark ed., 3 vols., Sage Publications, 2007).

Civil Law in America, Comparative Law, and Litigiousness, [3 entries], in *Oxford Companion to American Law* 107-10, 130-34, 533-34 (David Clark et al. eds., Oxford U.P. 2002).

Germany, in 2 *Legal Systems of the World* 580-90 (Herbert Kritzer ed., ABC-CLIO 2002).

Legal Systems, Classification of, in 13 *International Encyclopedia of the Social and Behavioral Sciences* 8684-89 (Neil J. Smelser et al. eds., Elsevier 2001).

Trends and Issues in Lawyering Worldwide, in *Inner Temple Yearbook 2000/2001* at 36-40 (2000).

The Usefulness of Transnational Lawyering for Oklahoma: Proposed Supreme Court Rules, 69 *Okla. B.J.* 1945-52 (1998).

Book Review (Juergen Goedan, International Legal Bibliographies: A Worldwide Guide and Critique), 40 *Am. J. Comp. L.* 529-33 (1992).

Book Review (Thomas Raiser, Rechtssoziologie: Ein Lehrbuch), 39 *Am. J. Comp. L.* 222-23 (1991).

La revisión judicial y la independencia del poder judicial: Introducción, in 1 *Derecho constitucional comparado, México-Estados Unidos* 371-77 (James Smith ed., UNAM 1990).

Book Reviews for *Int'l J. Leg. Information*: Shimon Shetreet ed., The Role of Courts in Society, 18 (1990) 248-49; W. Wedekind, Justice and Efficiency: General Reports

and Discussions, 17 (1989) 272-73; Philip Weems ed., Enforcement of Money Judgments Abroad, 17 (1989) 186-87; Ulla Jacobsson and Jack Jacob eds., Trends in the Enforcement of Non-money Judgments and Orders, 17 (1989) 163; Ivo Greiter, How to Get Your Money in Foreign Countries: A Survey of Court Costs and Lawyer's Fees, 16 (1988) 215-16; Wilhelm Geck, Wahl und Amtsrecht der Bundesverfassungsrichter, 16 (1988) 131-33; Werner Barfuß et al. eds., Festschrift für Karl H. Neumayer zum 65. Geburtstag, 16 (1988) 147-48; Ulrich Everling, Das Vorabentscheidungsverfahren vor dem Gerichtshof der Europäischen Gemeinschaften, 15 (1987) 158-59; Jennifer Sharpe, The Administrative Appeals Tribunal and Policy Review, 15 (1987) 74-75; Eike von Hippel, Verbraucherschutz, 14 (1986) 234-35.

Book Review (Klaus Röhl, Rechtssoziologie: Ein Lehrbuch), 36 *Am. J. Comp. L.* 593-95 (1988).

Book Review (James Rowles, Law and Agrarian Reform in Costa Rica), 35 *Am. J. Comp. L.* 405-08 (1987).

Judge Posner's Theology and the Temples of the Law—The Federal Courts: Crisis and Reform, 1985 *Wisc. L. Rev.* 1183-93 (1985).

Book Review (Martin Shapiro, Courts: A Comparative and Political Analysis), 30 *Am. J. Comp. L.* 143-48 (1983).

Book Review (Michael Glennon and Thomas Franck, United States and Foreign Relations Law: Documents and Sources), 15 *Vand. J. Transnat'l L.* 397-403 (1982).

Legal Pluralism in Latin America, 1 *Ariz. J. Int'l & Comp. L.* 27-31 (1982).

Book Review (Attila Racz, Courts and Tribunals: A Comparative Study), 30 *Am. J. Comp. L.* 347-50 (1982).

The Work of the Louisiana Appellate Courts for the 1976-1977 Term: Statistical Survey, 38 *La. L. Rev.* 313-21 (1978).

La Crescita della Pubblica Amministrazione, 6 *Economia Pubblica* 251-52 (1976).

Professional Organizations:

Board of Editors, American Journal of Comparative Law (since 1978)

Board of Directors, American Society of Comparative Law (Honorary President 2006-2008; President 2002-2006; Vice President 1998-2002; Webmaster, 1998-2007; Treasurer 1989-1995; Executive Committee 1986-1988; Director since 1978)

Titular Member, International Academy of Comparative Law (since 2004, Associate, 1992-2004)

Delegate, American Council of Learned Societies (Board of Directors 1997-1999; Executive Committee Delegates 1996-1999, Chair 1997-1999; Delegate 1995-

2011)

Chairperson, Association of American Law Schools Section on Comparative Law (1986-1987)

Member, Association of American Law Schools Committee on Curriculum and Research (2001-2005); Special Committee on Faculty Recruitment Practices (2005-2008)

Member, Law School Admission Council, Grants Subcommittee (2001-2005, chair 2005-2008); Test Development and Research Committee (2005-2008)

Member, International Association of Procedural Law (since 1989)

Member, American Society for Legal History (1983-2004, since 2009)

Member, Law and Society Association (1976-1993, since 2000)

Member, International Sociological Association Research Committee on the Sociology of Law (since 1986)

Member, ABA Section of International Law and Practice (since 1987)

Member, American Society of International Law (1995-2006)

References:

Provided upon Request

Biography listed in *Who's Who in America*, *Who's Who in American Law*, and *Who's Who in American Education*