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Professor Todd J. Zywicki's Curriculum Vitae

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW

J.D., 1993

Executive Editor, Virginia Tax Review.

John M. Olin Scholar in Law and Economics.

CLEMSON UNIVERSITY

M.A. Economics, 1990.

H.W. Close Fellow in College of Commerce and Industry.

Only Student Member of Clemson Law and Economics Workshop.

Training in Statistics, Econometrics, and Computer Analysis.

DARTMOUTH COLLEGE

A.B. cum Laude with High Honors in Government Major, 1988.

Rufus Choate Scholar.

Three Citations for Exceptional Class Performance.

EXPERIENCE

GEORGE MASON UNIVERSITY SCHOOL OF LAW, ARLINGTON, VIRGINIA, 1998-PRESENT

George Mason University Foundation Professor of Law, 2009-present; Professor of Law, 2002-2009; Associate Professor, 2000-2002; Assistant Professor, 198-2000. My areas of research and instruction include Bankruptcy, Contracts, Secured Transactions, Business Associations, Mergers and Acquisitions, Corporate Finance, Payment Systems and Negotiable Instruments, Commercial Law, and Electronic Commerce.

VANDERBILT UNIVERSITY SCHOOL OF LAW, NASHVILLE, TENNESSEE, FALL 2007

Visiting Professor of Law. Taught Contracts.

GEORGETOWN UNIVERSITY LAW CENTER, AUGUST 2004-MAY 2005.

Visiting Professor of Law. Taught Contracts, Bankruptcy, and Law & Public Choice.

DIRECTOR, OFFICE OF POLICY PLANNING, FEDERAL TRADE COMMISSION, MAY 2003-JULY 2004.

Director of Federal Trade Commission's policy office (SES Appointment).

Responsible for helping to conceive and execute policies and priorities of Commission on issues of Consumer Protection, Competition, and Competition Advocacy.

BOSTON COLLEGE SCHOOL OF LAW, BOSTON, MASSACHUSETTS, JANUARY-MAY 2002.

Visiting Professor of Law. Taught Law & Economics and Bankruptcy Law.

MISSISSIPPI COLLEGE SCHOOL OF LAW, JACKSON, MISSISSIPPI, AUGUST 1996-MAY 1998.

Assistant Professor of Law. Taught Business Associations, Secured Transactions, Business Planning, and Sales.

ALSTON & BIRD, ATLANTA, GEORGIA, 1994-1996.

Representations included SportsTown, Inc., Chapter 11 Debtor in Possession; Sonic Communications, Inc., Chapter 11 Operating and Chapter 7 Trustee; Krystal Corp., Unsecured Creditors Committee; and a variety of secured and unsecured creditors in federal bankruptcy and state collection proceedings.

LAW CLERK TO HON. JUDGE JERRY E. SMITH, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, HOUSTON, TEXAS, 1993-1994.

SUMMER LAW CLERK FOR HON. JUDGE ALEX KOZINSKI, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, PASADENA, CALIFORNIA, 1991.

HONORS AND AWARDS

George Mason University Foundation Professor of Law (2009-present).

Institute for Humane Studies **Charles G. Koch Outstanding IHS Alum Award** (2009).

Searle Fellow, George Mason University (Fall 2008).

Senior Fellow, Goldwater Institute (2008-present).

W. Glenn Campbell and Rita Ricardo-Campbell National Fellow and the Arch W. Shaw National Fellow at the Hoover Institution on War, Revolution and Peace (Fall 2008).

Senior Scholar, Mercatus Center at George Mason University (2005-present).

Honorable Mention American College of Consumer Financial Services Lawyers 2006 writing competition for "An Economic Analysis of the Consumer Bankruptcy Crisis, 99 NORTHWESTERN L. REV. 1463 (2005).

Recipient of 2001 "Win Whittaker Award for Student Development" as Professor of the Year.

Recipient of grant from The John Templeton Foundation Freedom Project to teach a course on "The Rule of Law, Freedom, and Prosperity." (Co-taught with Peter Boettke, Department of Economics, George Mason University). Fall 2001.

Recipient of grant from The John Templeton Foundation Freedom Project to teach a course on "The Rule of Law and the Legal Foundations of a Free Society." (Co-taught with Peter Boettke, Department of Economics, George Mason University). Fall 1999.

TEACHING INTERESTS

Bankruptcy, Contracts, Secured Transactions, Business Associations, Commercial Law, Payment Systems, Consumer Law, Law & Economics, Public Choice & The Law, Evolutionary Analysis of Law, Law & Behavioral Economics.

RESEARCH INTERESTS

Bankruptcy, Contracts, Banking Law, Law and Economics, Public Choice and the Law, Evolutionary Analysis of Law, Law & Behavioral Economics, Consumer Law, Constitutional Economics, Business Associations.

LAW SCHOOL AND UNIVERSITY SERVICE

Editor, *Supreme Court Economic Review* (2001-2002, 2006-).

Member of Dean Retention Committee (2001, 2008).

Member of Faculty Appointments Committee (1999-2002, 2005-); Clerkship Committee (2000-2002, 2005-).

Faculty Advisor, St. Thomas More Catholic Law Students Society (1999-2007).

Member of several dissertation committees for Economics Department PhD Candidates.

CONGRESSIONAL TESTIMONY

Testimony before United States House of Representatives, Committee on Financial Services, "Banking Industry Perspectives on the Obama Administration's Financial Regulatory Reform Proposals" (July 15, 2009), testimony and webcast [available here](#).

Testimony before United States House of Representatives, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, "Circuit City Unplugged: Why Did Chapter 11 Fail to Save 34,000 Jobs?" (March 11, 2009),

testimony and webcast *available here*.

Testimony before the United State Senate Committee on Banking, Housing, and Urban Affairs, "Modernizing Consumer Protection in the financial Regulatory System: Strengthening Credit Card Protections" (February 12, 2009), *available here*.

Testimony before the United States House of Representatives, Judiciary Committee, Subcommittee on Commercial and Administrative Law, "Hearing on Working Families in Financial Crisis: Medical Debt and Bankruptcy" (July 17, 2007), *available here*.

Testimony before the United States House of Representatives, Financial Services Committee, Subcommittee on Financial Institutions and Consumer Credit, "Credit Card Practices: Current Consumer and Regulatory Issues" (April 26, 2007), *available here*.

Testimony before United States Senate, Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, "Oversight of the Implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act" (December 5, 2006), *available here*.

Testimony before United States Senate, Committee on the Judiciary, "Bankruptcy Reform" (February 10, 2005), *available here*.

Testimony before United States House of Representatives, Committee on Commerce, Trade, and Consumer Protection, "E-Commerce: The Case of Online Wine Sales and Direct Shipment" (October 30, 2003).

Testimony before Federal Judicial Conference Committee on Bankruptcy Rules, "Proposed Amendments to the Bankruptcy Rules" (January 26, 2001).

Testimony before United States House of Representatives, Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, on "Transitioning to a New Administration: Can the Next President Be Ready?" (December 4, 2000).

Testimony before United States House of Representatives, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law on "Perspectives on Consumer Bankruptcy and the Bankruptcy Reform Act of 1999" (March 17, 1999).

Testimony before Joint Hearing of the United States Senate, Committee on the Judiciary, Judiciary Subcommittee on Administrative Oversight and the Courts and House of Representatives, Committee on the Judiciary, Subcommittee on Commercial and Administrative Law on "The Bankruptcy Reform Act of 1999" (March 11, 1999).

Testimony before United States Senate, Committee on the Judiciary, Judiciary Subcommittee on Administrative Oversight and the Courts on "Bankruptcy Issues in Review: The Bankruptcy Code's Effect on

Religious Freedom and A Review of the Need for Additional Bankruptcy Judgeships” (September 22, 1997).

PUBLIC INTEREST COMMENTS

Public Interest Comment on Proposed Statement on Subprime Mortgage Lending to Office of the Comptroller of the Currency, Treasury (OCC), Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation (FDIC), Office of Thrift Supervision, Treasury (OTS), and the National Credit Union Administration (with Joe Adamson), May 7, 2007 (on behalf of Mercatus Center Regulatory Studies Program), *available here*.

Public Interest Comment on Food Industry Marketing to Children Report to Federal Trade Commission (with Joe Adamson), December 21, 2006 (on behalf of Mercatus Center Regulatory Studies Program), *available here*.

AMICUS BRIEFS

Watters v. Wachovia Bank, Supreme Court of the United States, No. 05-1342 (Nov. 2, 2006), *available here*.

MEDIA

PRINT

America's Debt Paranoia, 59(8) THE FREEMAN (October 2009), *available here*.

Check that Checkbook: A Guide to Smarter Alumni Giving, NATIONAL REVIEW page A43 (Oct. 5, 2009), *available here*.

Let's Treat Borrowers Like Adults: The Problems with a Financial Products Safety Panel, WALL STREET JOURNAL, page A17 (July 8, 2009), *available here*.

Chrysler and the Rule of Law, WALL STREET JOURNAL, page A19 (May 13, 2009), *available here*.

Low Rates Led to ARMs, WALL STREET JOURNAL, page A18, (March 26, 2009), *available here*.

Don't Let Judges Tear Up Mortgage Contracts, WALL STREET JOURNAL, page A13 (February 13, 2009), *available here*.

Bankruptcy is the Perfect Remedy for Detroit, WALL STREET JOURNAL, page A21, December 16, 2008, *available here*.

The Two-Income Tax Trap, WALL STREET JOURNAL, page A17, August 14, 2007, *available here*.

Junk Social Science Index, WASHINGTON TIMES, July 26, 2007, *available here*.

A Great Mind? Miers Might Vote Right, But What the Court Truly Needs Is Intellectual Leadership,
LEGAL TIMES, October 10, 2005, *available here*.

Rebalancing the Bankruptcy Code, JURIST, August 18, 2005, *available here*.

Credit Worthy, NATIONAL REVIEW ON-LINE (March 16, 2005), *available here*.

Bankrupt Criticisms, NATIONAL REVIEW ON-LINE (March 15, 2005), *available here*.

Reforming Bankruptcy Laws: Changes Will Help Everyone, SAN DIEGO UNION-TRIBUNE
(March 17, 2005), *available here*.

Deadbeats Cost All of Us Dearly, USA TODAY, page 17A (June 22, 2000).

TELEVISION

Fox News, "Fox and Friends" (December 19, 2008) discussing reorganization of automotive industry.

PBS, "The Newshour with Jim Lehrer" (October 17, 2005) discussing bankruptcy reform legislation, *video available here*.

CNN, "Lou Dobbs Tonight" (March 2005) discussing bankruptcy reform legislation.

CNBC, (July 2002) discussing WorldCom Bankruptcy.

CNBC, "Business Center" (February 6, 2002) discussing Congressional Hearings on Enron matter.

CNBC, "Business Center" (February 1, 2002) discussing Enron bankruptcy.

ABC Evening News, "Bankruptcy Reform" (February 2001).

Bloomberg News, "Bankruptcy Reform" (February 2001).

CNNfn, "Bankruptcy Reform" (February 2001).

Bloomberg News (November 2000).

Appearance on CNN "Burden of Proof" to discuss AOL-Time Warner merger (March 2000).

Appearance on PBS "The Newshour with Jim Lehrer" to discuss bankruptcy reform (June 14, 1999).

RADIO

California Commerce (with John McCauley), KBPK, "Chrysler and General Motors," listen [here](#).

California Commerce (with John McCauley), KBPK, "Chrysler and the Rule of Law," listen [here](#).

"The Diane Rehm Show" to discuss Credit Card Holders' Bill of Rights (May 5, 2009).

California Commerce (with John McCauley), KBPK, "Regulation of Consumer Credit," listen [here](#).

California Commerce (with John McCauley), KBPK, "Modifying Mortgages in Bankruptcy," listen [here](#).

Econtalk (with Russ Roberts), "Zywicki on Debt and Bankruptcy," Podcast, listen [here](#).

The Exchange, New Hampshire Public Radio, "Bankruptcy Law Reform," listen [here](#).

American Radioworks Documentary, "Bankrupt: Maxed Out in America," listen [here](#).

Appearance on "The Conversation" to discuss "New Consumer Bankruptcy Laws," KUOW Radio Seattle (Sept. 20, 2005), Audio available [here](#).

Regular Commentator on "The Laura Ingraham Show"

Appearance on "The Connection," National Public Radio, to discuss Bankruptcy Reform (March 2002).

Appearance on NPR "The Diane Rehm Show" to discuss Bankruptcy Reform (May 25, 2000).

INTERNET

Contributor to the "Volokh Conspiracy" weblog, www.volokh.com

Reason.tv, "The Next Great Leap Backwards for Consumer 'Rights'" (August 2009), [available here](#).

Obama's Ailing Popularity, FORBES.COM (August 21, 2009), [available here](#).

My Favorite President: Calvin Coolidge, NATIONAL REVIEW ON-LINE (February 16, 2009), [available here](#).

Rebalancing the Bankruptcy Code, JURIST, August 18, 2005, [available here](#).

Credit Worthy, NATIONAL REVIEW ON-LINE (March 16, 2005), *available here*.

Bankrupt Criticisms, NATIONAL REVIEW ON-LINE (March 15, 2005), *available here*.

I have been **profiled** in *The Daily Deal* for my views on Bankruptcy Reform and other bankruptcy-related issues, as well as a recurrent commentator for *The Daily Deal*.

I have also been quoted regularly in major media outlets on issues of Congressional bankruptcy reform legislation and on the Enron and WorldCom bankruptcy cases, including *The New York Times*, *The Wall Street Journal*, *Washington Post*, *Washington Times*, *Boston Globe*, *Washington Times*, *Christian Science Monitor*, *Houston Chronicle*, *Dallas Morning News*, *Toronto Star*, and many other leading newspapers and magazines. Quoted in "Washington Whispers," *U.S. News & World Report* (Aug. 5, 2002). I have also been quoted in several foreign publications, including the BBC (Britain), the *Daily Yomiuri* (Japan), and *RP Online* (Germany).

PROFESSIONAL ACTIVITIES

Trustee, Yorktown University (2009-present).

Member of Governing Board (2008-present) and Advisory Council (2007-present), Financial Services Research Program at George Washington University School of Business.

Member, United States Department of Justice Study Group on "Identifying Fraud, Abuse and Errors in America's Bankruptcy System" (2006-2008).

Alumni Trustee, Dartmouth College Board of Trustees (2005-2009).

Chair, Academic Advisory Panel, McCormick Tribune Freedom Museum (debuted Spring 2006), August 2004-present.

Advisory Board, *ABI Law Review* (2003-present).

Chair, Academic Advisory Panel, "We the People in IMAX," IMAX Film with accompanying educational material (Premiering September 2004).

Member, Board of Directors (2009-present) and Program Advisory Board, Foundation for Research on Economics and the Environment (2006-present).

Referee, *International Review of Law and Economics*, *Review of Austrian Economics*; *Advances in Austrian Economics*; *Journal of Institutional and Theoretical Economics*; *Journal of Institutional Economics*; *Philosophy, Politics, and Economics*; *Journal of Bioeconomics*; *Supreme Court Economic Review* (2000-present).

Research Fellow, International Center for Economic Research (ICER),
Turin, Italy (May-June, 2002).

Editor, *Supreme Court Economic Review*, Volume 10 (2001-2003).

Consejo Consultivo of the Centro de Opcion Publica, Universidad de
Francisco Marroquin,
Guatemala (Academic Advisory Council of Public Choice Center at
University of Francisco Marroquin)
Guatemala City, Guatemala (2000-present).

Senior Research Fellow, Program on Markets and Institutions, James
Buchanan Center for Political Economy at George Mason University
(2001-present).

Contributing Editor, NORTON BANKRUPTCY TREATISE Chapter 51,
Property of the Estate (1997-present).

Co-Chair, Bankruptcy Subcommittee, Federalist Society Financial
Services and E-Commerce Practice Group (1999-present).

Member of Board of Directors (2009-present) and Chair of Academic
Advisory Council (1999-present), Bill of Rights Institute.

Co-Authored several proposals and position papers for the National
Bankruptcy Review Commission (1997).

Member, American Bankruptcy Institute (1999-present).

SCHOLARLY LECTURES AND PRESENTATIONS

"The Mortgage Crisis," Lecture Presented and Updated. Presentation [here](#).

"The Global Financial Crisis," Bruno Leoni Institute, Rome, Italy (Dec. 5,
2008). Powerpoint presentation [here](#).

"The Future of Financial Services: Government Control Versus the Free
Market," Federalist Society National Lawyers Convention (Nov. 21, 2008).
Powerpoint presentation [here](#). Video/Audio [here](#).

"The Mortgage Crisis," Mercatus Center Capitol Hill Campus (Nov. 18, 2008).
Powerpoint presentation [here](#).

"Consumer Protection in the Credit Card Industry," Mercatus Center Capitol
Hill Campus (June 2008). Powerpoint presentation [here](#).

"Exploring Issues in the Subprime Market," Mercatus Center Capitol Hill
Campus (July 12, 2007). Powerpoint presentation [here](#).

"Recent Developments in Competition Policy in the United States," Reykjavik
University, Reykjavik, Iceland (June 5, 2007).

"The Causes and Consequences of BAPCPA," Northern Virginia
Bankruptcy Bar (March 15, 2007). Powerpoint presentation [here](#).

"The Economics of Consumer Lending," Mercatus Center Capitol Hill Campus (March 7, 2007). Powerpoint presentation [here](#).

Speaker, "*Watters v. Wachovia Bank*: The Roberts Court Weighs in on Preemption," American Enterprise Institute (November 28, 2006), *video available here*.

Workshop Presentation, *Bankruptcy and Personal Responsibility*, Chapter 3 "Credit Cards and Bankruptcy," Duke Law School (Sept. 29, 2006).

Speaker, "Rebalancing the Code: The Consumer Provisions of BAPCPA," Symposium, "The Changing Landscape of Bankruptcy in America," sponsored by Widener Law Review (February 23, 2006).

Speaker, "Is Tony the Tiger Making Kids Fat?" Sponsored by The Federalist Society, Mississippi College School of Law (February 16, 2006).

Speaker, "Bankruptcy 2.0(05): Chapters, Changes, and Challenges," Symposium sponsored by American University Law Review (February 10, 2006).

Speaker, "Food Marketing to Children," Society of Nutrition Educators, Orlando (July 27, 2005).

Speaker, "Federal Consumer Protection Regulation: Disclosures and Beyond," Philadelphia Federal Reserve Payment Cards Center (June 10, 2005), *powerpoint presentation here*.

Speaker, "Regulating Domestic Markets: My Experience in the Federal Trade Commission," Universidad de Francisco Marroquin, Guatemala City, Guatemala, *video available here*.

Speaker, "Kids, Cartoons, and Cookies: Should We Restrict the Marketing of Food to Children?" Cato Institute Policy Forum (June 7, 2004), program available on Real Video [here](#). Also included in July 2004 Cato Audio Program.

Speaker, "How Should Competition Policy Transform Itself? Designing the New Competition Policy," Tokyo, Japan, Inaugural Symposium of Competition Policy Research Center, Fair Trade Commission of Japan (Nov. 20, 2003).

Speaker, "The Law and Economics of Predatory Lending," National Press Club, Sponsored by the Federalist Society for Law & Public Policy (July 24, 2003).

Lecturer, "Summer Institute for Teachers," Sponsored by the Bill of Rights Institute (July 14, 2003 and July 19, 2003).

Speaker, "A WorldCom Phoenix? Is Bankruptcy a Tool for Competitive Advantage?" National Press Club, Sponsored by the New Millenium Research Council (Sept. 27, 2002).

Speaker, "Will Bankruptcy Reform Make the Bankruptcy Laws More Fair and Efficient?" Cato Institute (Sept. 23, 2002).

Speaker, "Understanding the Ecology, Economics, and Ethics of Climate Change," Foundation for Research on Economics and the Environment Seminar for Federal Judges (July 9-14, 2002).

Lecturer, "Summer Institute for Teachers," Sponsored by the Bill of Rights Institute (July 8-9, 2002).

Workshop Speaker, "Why So Many Bankruptcies and What to Do About It? An Institutional and Transactions Cost Analysis of Bankruptcy Law and Bankruptcy Reform," Boston College School of Law (April 9, 2002).

Workshop Speaker, "The Rise and Fall of Efficiency in the Common Law: A Supply-Side Analysis," Dartmouth College Legal Studies Workshop (April 1, 2002).

Workshop Speaker, "The Reciprocity Instinct: An Evolutionary Analysis of Reciprocity, Promise-Keeping, and Bankruptcy Law," George Washington University School of Law (August 29, 2001).

Speech, "The Economics of Developing Countries: Understanding the Institutions of Developing Countries," Congress (August 28, 2001).

Speaker, "The Law and Economics of Consumer Credit," The Federalist Society (June 27, 2001).

Presenter, "The Rise and Fall of Efficiency in the Common Law: A Supply-Side Analysis," American Law & Economics Annual Meeting, Georgetown University (May 2001).

Workshop Speaker, "The Rise and Fall of Efficiency in the Common Law: A Supply-Side Analysis," NYU Austrian Economics Colloquium, New York University Department of Economics (March 2001).

Workshop Speaker, "The Political Economy of Tort Law and Tort Reform," J.M. Kaplan Workshop in Political Economy, George Mason University Department of Economics (February 2001).

Workshop Speaker, "Bankruptcy and Reciprocity," University of Colorado School of Law (October 2000).

Presenter, "Bankruptcy and Reciprocity," Canadian Law and Economics Association (October 2000).

Workshop Speaker, "Bankruptcy and Reciprocity," University of Virginia School of Law (March 2000)

Workshop Speaker, "Was Hayek Right About Group Selection After All?" Center for the Study of Public Choice, George Mason University (March 2000).

Panelist, "Levels of Selection," presented at the Annual Meeting of the Public Choice Society, Charleston, SC (March 2000).

Workshop Speaker, "Bankruptcy and Reciprocity," to be presented at Benjamin N. Cardozo School of Law, Yeshiva University (February 2000).

Workshop Speaker, "Bankruptcy and Reciprocity," Emory University School of Law (November 1999).

Workshop Speaker, "Bankruptcy and Reciprocity," University of Georgia School of Law (November 1999).

Workshop Speaker, "Bankruptcy and Reciprocity," Notre Dame University School of Law (November 1999).

Speaker, "Bankruptcy and Reciprocity," presented at the Society for the Evolutionary Analysis of Law Annual Meeting (August 1999).

Speaker, "The Logic and Limits of Freedom of Contract: An Application to Bankruptcy and Securities Law," presented to congressional staffers (July 1999).

Faculty, Norton Institute on Bankruptcy Law, Las Vegas, NV (March 18-21, 1999).

Congressional Staff Briefings on the Bankruptcy Reform Bill of 1999 (March 1999).

Speaker, "The Role of Tradition in Constitutional Interpretation: A Response to Souter and Scalia," sponsored by the Federalist Society and the Virginia Hayek Society, University of Virginia School of Law (January 27, 1999).

Speaker, "The Common Law and the Environment: Rethinking the Statutory Basis for Modern Environmental Law," 1998 Political Economy Forum, sponsored by the Political Economy Research Center, Bozeman, Montana (October 2-4, 1998).

Speaker, "The Political Economy of Environmental Regulation and Reform," J.M. Kaplan Workshop in Political Economy, George Mason University Department of Economics (September 28, 1998).

Faculty, "Liberty and Society Academic Seminar," sponsored by the Institute for Humane Studies, (July 1998).

Speaker, "Revisions to Article 2 of the Uniform Commercial Code," sponsored by the Business Law Section of the Mississippi Bar (March 1998).

Workshop Speaker, "Rewrite the Bankruptcy Laws, Not the Scriptures: Protecting a Bankruptcy Debtor's Right to Tithe," Mississippi College School of Law (March 1998).

Panel on "Whither Disinterestedness?" presented at the Meeting of the American Bar Association Business Law Section Business Bankruptcy Committee, Friday (October 17, 1997).

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