# RICHARD H. FRANKEL

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## ACADEMIC EXPERIENCE

**Earle Mack School of Law at Drexel University**
*Associate Professor of Law* 2008-present
*Director, Appellate Litigation Clinic* 2009-present
Founded and currently direct the Appellate Litigation Clinic, in which students litigate appeals before state and federal appellate courts on case matters including employment discrimination, family law, consumer rights, prisoner rights, environmental law, immigration and criminal law. Supervise students interviewing and counseling clients, drafting appellate briefs and pleadings, appearing in court, and engaging in mediation and settlement negotiation. Teach a weekly seminar, which includes classes on legal practice skills, professional ethics, case rounds, client counseling, case theory, and reflective practice.

**Georgetown University Law Center** 2006-2008
*Teaching Fellow and Supervising Attorney, Appellate Litigation Program*
Co-taught clinic and supervised students litigating appeals before the U.S. Courts of Appeals and the Board of Immigration Appeals. Provided detailed feedback on students' written work and prepared students for oral argument.

## EDUCATION

**Georgetown University Law Center,** LL.M. (Advocacy) with distinction, 2009
*Teaching Fellow and Supervising Attorney, Appellate Litigation Program*, 2006-2008

**Yale Law School,** J.D., 2001
*The Yale Law Journal*, Senior Editor
*Community Legal Services Clinic*, Student Director
*Yale Law & Policy Review*, Articles Editor

**Yale College,** B.A., *summa cum laude* (Ethics, Politics and Economics), 1997
Phi Beta Kappa

## PUBLICATIONS

*Illegal Emigration: The Continuing Life of Invalid Deportation Orders*, 65 SMU L. REV. _ (forthcoming 2012)

*The Disappearing Opt-Out Right in Punitive-Damages Class Actions*, 2011 WIS. L. REV. 563 (to be reprinted in 61 DEF. LAW JOURNAL _ (2012))

*The Failure of Analogy in Conceptualizing Private Entity Liability Under Section 1983*, 78 UMKC L. REV. 967 (2010) (invited symposium piece).

*Regulating Privatized Government through § 1983*, 76 U. CHI. L. REV. 1449 (2009).

CONSUMER ARBITRATION AGREEMENTS: ENFORCEABILITY AND OTHER TOPICS (National Consumer Law Center, 5th ed. 2007 and 6th ed. 2011) (with Leslie A. Bailey, F. Paul Bland, Jr., Michael J. Quirk, and Jonathan Sheldon).

*Undue Deference*, TRIAL, Nov. 2006.

*Illusory Arbitration Clauses*, THE EMPLOYEE ADVOCATE, Spring/Summer 2004 (with F. Paul Bland, Jr. and Michael J. Quirk).

Note, *Proposition 209: A New Civil Rights Revolution?*, 18 YALE L. & POL'Y REV. 431 (2000).

*The Arbitration Clause as Super Contract* (work in progress).

## GOVERNMENT TESTIMONY

United States House of Representatives, Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, Washington, D.C. (May 2009)
Appeared as a witness and presented testimony at hearing entitled: "The Federal Arbitration Act: Is the Credit Card Industry Using it to Quash Legal Claims?"

United States Judiciary, Committee on Rules on Practice and Procedure, Washington, D.C. (April 2004)
Presented Testimony regarding the proposal to adopt Federal Rule of Appellate Procedure 32.1

## SELECTED PRESENTATIONS

Presenter, *The Arbitration Clause as Super Contract*, St. John's University School of Law (scheduled for November 5, 2012)

Panelist, *Prison Privatization and the Rights of the Incarcerated*, Vermont Law Review Symposium: "Optimizing Private Prisons," Vermont Law School (March 23, 2012)

Presenter, *The Disappearing Opt-Out Right in Punitive Damages Class Actions*, Cleveland-Marshall College of Law (April 18, 2011)

Presenter, *The Disappearing Opt-Out Right in Punitive Damages Class Actions*, UNLV William S. Boyd School of Law (February 25, 2011)

Presenter, *The Disappearing Opt-Out Right in Punitive Damages Class Actions*, New York University Law School/Clinical Law Review Writers' Workshop (October 2, 2010)

Panelist, *Mandatory Arbitration*, Practising Law Institute, 15th Annual Consumer Financial Services Institute, New York NY, (February 19, 2010)

Panelist, *The Failure of Analogy in Conceptualizing Private Entity Liability Under Section 1983*, Edward Smith/Bryan Cave Symposium: "Enforcing Constitutional Rights in the 21st Century," University of Missouri-Kansas City School of Law (October 23, 2009)

Panelist, *The Debate Over Mandatory Arbitration*, American Financial Services Association Conference, Tucson, AZ (Winter 2006)

Panelist, *The Debate Over Mandatory Arbitration*, American Financial Services Association & National Association of Consumer Credit Regulators, State Government Relations Forum, Los Angeles, CA (Fall 2005)

Panelist, *Alternative Dispute Resolution,* American Bar Association Annual Conference, Business Litigation Section, Chicago, IL (Summer 2005)

Presenter, *Fighting Mandatory Arbitration* Agreements, American Trial Lawyers Association Summer Convention, Toronto, Ontario (Summer 2005)

Presenter, *Challenging Enforcement of Mandatory Arbitration Agreements*, State Bar of Texas, Consumer Law Conference, Galveston, TX (Summer 2005)

## LEGAL EXPERIENCE

**Trial Lawyers for Public Justice**, Washington, DC 2003-2006
*Goldberg-Deitzler Fellow*. Litigated class action, consumer protection and civil rights cases for national public interest law firm.

**Hon. William C. Canby, Jr., U.S. Court of Appeals for the Ninth Circuit**
*Law Clerk* 2002-2003

**Hon. Henry H. Kennedy, Jr., U.S. District Court for the District of Columbia**
*Law Clerk* 2001-2002

## BAR ADMISSIONS

State: Pennsylvania
District of Columbia (inactive)
California (inactive)

Federal: U.S. Court of Appeals for the D.C. Circuit
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Armed Forces