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Florida State University  
College of Law  
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**EDUCATION:**

Yale Law School, J.D. 1982.

Yale Graduate School, Ph.D. (History) 1987, M. Phil. 1982, M.A. 1979.

Vassar College, A.B., 1976 (Departmental Honors in History and General Honors).

**PRIZES, FELLOWSHIPS, AND RECOGNITION:**

George Washington Egleston Prize for the best doctoral dissertation in American history at Yale University, 1986-87.

Roger Traynor Research Professor (fellowship awarded to one scholar biennially), University of California, Hastings College of the Law, summer, 1997.

Ranked *first* among the most cited professors of Wills, Trusts, and Estates in Brian Leiter's Law School Rankings (Most Cited Professors by Specialty, 2000-2007), available at: [www.leiterrankings.com/faculty/2007faculty\\_impact\\_areas.shtml](http://www.leiterrankings.com/faculty/2007faculty_impact_areas.shtml)

**EMPLOYMENT:**

Fall, 1983 to present Florida State University College of Law  
 William and Catherine VanDercreek Professor since 2005  
 David M. Hoffman Professor, 2002-2005  
 Professor, 1995-2002  
 Associate Professor (with tenure), 1988-1995  
 Assistant Professor, 1983-1988  
 Subjects taught and areas of interest: Wills, Trusts, and Estates,  
 Estate Planning (seminar), Debtor-Creditor Law, Bankruptcy  
 Policy (seminar), American Legal History.

Fall 2006 Visiting Professor, George Washington University Law School

Fall 2005 Visiting Professor, Boston College Law School

Fall 2003-Spring 2004 Visiting Professor, Southern Methodist University Dedman  
 School of Law

Summer 1994 Visiting Professor, University of Colorado School of Law

Fall 1991 Visiting Professor, Tulane University School of Law

Summer 1990 Visiting Professor, University of Texas School of Law

Fall 1989 Visiting Professor, University of California Hastings College of  
 the Law

Summer 1982 Summer Associate, Milbank, Tweed, Hadley & McCloy, New  
 York, N.Y.

**PUBLICATIONS:**

*Books:*

THE RISE OF THE PENITENTIARY: PRISONS AND PUNISHMENT IN EARLY AMERICA (Yale University Press 1992, second printing 2008); cited by the U.S. Supreme Court in *Overton v. Bazzetta*, 539 U.S. 126 (2003).

*Articles:*

From Pillory to Penitentiary: The Rise of Criminal Incarceration in Early Massachusetts, 80 *Michigan Law Review* 1179-269 (1982); cited by the U.S. Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003); reprinted in POLICE, PRISON AND PUNISHMENT: MAJOR HISTORICAL INTERPRETATIONS (Kermit Hall ed. 1987); and in CRIME AND JUSTICE IN AMERICAN HISTORY, vol. 6 (Eric Monkkonen ed.1990).

The Collision of Military Cultures in Seventeenth-Century New England, 74 *Journal of American History* 1187-212 (1988); reprinted in, ESSAYS IN NORTH AMERICAN INDIAN HISTORY (Michael Gillis ed. 1990).

The Problem of the Insolvent Heir, 74 *Cornell Law Review* 587-654 (1989); cited by the U.S. Supreme Court in *Drye v. United States*, 528 U.S. 49 (1999).

A Qualitative Theory of the Dead Hand, 68 *Indiana Law Journal* 1-58 (1992)(with William Wang).

Inheritance and Bankruptcy: The Meaning of the “Fresh Start,” 45 *Hastings Law Journal* 175-248 (1994); excerpted in BANKRUPTCY ANTHOLOGY (Charles Tabb ed. 2002).

Spendthrift Trusts and Public Policy: Economic and Cognitive Perspectives, 73 *Washington University Law Quarterly* 1-95 (1995).

Inheritance and Inconsistency, 57 *Ohio State Law Journal* 1057-162 (1996).

Bequests for Purposes: A Unified Theory, 56 *Washington & Lee Law Review* 33-110 (1999).

Trusts for Purposes: Policy, Ambiguity, and Anomaly in the Uniform Laws, 26 *Florida State University Law Review* 913-57 (1999).

Inheritance Law, Legal Contraptions, and the Problem of Doctrinal Change, 79 *Oregon Law Review* 527-73 (2000).

Revisions in Need of Revising: The Uniform Disclaimer of Property Interests Act, 29 *Florida State University Law Review* 109-87 (2001).

The Uniform Disclaimer of Property Interests Act: Opportunities and Pitfalls, 28 *Estate Planning* 571-80 (2001).

Cognitive Jurisprudence, 76 *Southern California Law Review* 1331-70 (2003).

Perfecting Disclaimer Reform: Suggestions for a Revised Uniform Act, 31 *Estate Planning* 185-93 (2004)(with Richard Gans).

Default Rules in Inheritance Law: A Problem in Search of Its Context, 73 *Fordham Law Review* 1031-101 (2004).

Evolutionary Theories of Common Law Efficiency: Reasons for (Cognitive) Skepticism," 32 *Florida State University Law Review* 425-41 (2005)(Symposium on Behavioral Analysis of Legal Institutions: Possibilities, Limitations and New Directions).

Disclaimer Reform: New Developments and Additional Reflections, 32 *Estate Planning* 16-25 (June, 2005) (with Richard Gans).

Fear Not the Asset Protection Trust," 27 *Cardozo Law Review* 2685-711 (2006) (Symposium on Trust Law in the 21st Century); digested in 57 *Monthly Digest of Tax Articles* 1-12 (June, 2007).

Disclaimer Reform and UDPIA: The Disappointing Amendments of 2006, 33 *Estate Planning* 24-31 (Dec., 2006)(with Richard Gans).

The Uniform Acts' Loophole in Fraudulent Conveyance Law, 34 *Estate Planning* 20-27(Dec., 2007).

Law and Proximity, 2008 *Illinois Law Review* 557-98 (with Gregory Mitchell).

Text and Time: A Theory of Testamentary Obsolescence, 68 *Washington University Law Review* 609-63 (2009).

Disclaimer Law and UDPIA's Unintended Consequences, 36 *Estate Planning* 34-40 (Apr., 2009).

Delaware Unifies the Law of Charitable and Noncharitable Purpose Trusts, 36 *Estate Planning* (forthcoming, Nov., 2009).

*Works in Progress:*

Freedom of Testation / Freedom of Contract. (This article will address policy analogues between substantive limitations on donative and contractual liberty.)

*Book Review Essays:*

Searching Inside Justice Holmes, *reviewing* G. EDWARD WHITE, JUSTICE OLIVER WENDELL HOLMES: LAW AND THE INNER SELF, 82 *Virginia Law Review* 385-411 (1996).

*Other Essays:*

Inheritance: United States Law, 3 OXFORD INTERNATIONAL ENCYCLOPEDIA OF LEGAL HISTORY 235-40 (Stanley N. Katz ed., 2009)(posted on SSRN).

*Book Review Notes:*

Book Review: EDWARDS AYERS, VENGEANCE AND JUSTICE – CRIME AND PUNISHMENT IN THE 19TH CENTURY AMERICAN SOUTH, 3 *Law and History Review* 207-09 (1985).

Book Review: PIETER SPIERENBURG, THE PRISON EXPERIENCE: DISCIPLINARY INSTITUTIONS AND THEIR INMATES IN EARLY MODERN EUROPE, 13 *Law and History Review* 417-20 (1995).

Book Review: MICHAEL MERANZE, LABORATORIES OF VIRTUE: PUNISHMENT, REVOLUTION, AND AUTHORITY IN PHILADELPHIA, 1760-1835, 103 *American Historical Review* 276-77 (1998).

Book Review: SCOTT CHRISTIANSON, WITH LIBERTY FOR SOME: FIVE HUNDRED YEARS OF IMPRISONMENT IN AMERICA, 105 *American Historical Review* 916 (2000).

**PROFESSIONAL  
ASSOCIATIONS:**

Academic Fellow, American College of Trust and Estate Counsel  
State Laws Committee

Legal Education Committee  
Asset Protection Committee

Member, Florida Bar Association.

Member, Law Professor Advisory Group for Trusts and Estates.

Member, Tallahassee Regional Estate Planning Council.

Member, American Society for Legal History.

Member, American Law and Economics Association.

**EDITORIAL  
ACTIVITIES:**

Book Review Editor, *Law & History Review* (scholarly publication of the American Society for Legal History), 1985-1993.

Article Referee, *William and Mary Quarterly*.

Article Referee, *Journal of the History of Ideas*.

Article Referee, *Journal of American History*.

Book Manuscript Referee, Northeastern University Press.

**OTHER  
ACTIVITIES:**

Consultant to the Florida Legislature, *In re* Governor's Request to the Supreme Court of Florida for an Advisory Opinion on the Constitutionality of the Services Tax, 1987.

Consultant to the Estate and Trust Tax Planning Committee of the Real Property, Probate and Trust Law Section of The Florida Bar, assigned to draft the Florida Disclaimer of Property Interests Act (2005), 2003-2005.

Outside-referee of promotion and tenure candidates for:

University of California, Hastings College of Law, 1994  
Cornell Law School, 1996  
Nova Southeastern University, Broad Law Center, 1996  
SUNY Buffalo School of Law, 1998  
Stanford Law School, 1999  
Tulane Law School, 2006  
Washington University School of Law, 2007

**VISITING  
FELLOWSHIPS:**

Visiting Fellow, Hughes Hall, Cambridge University, summer 1984.  
Guest of the Faculty, Juridiska Institutionen, Uppsala Universitet, summer, 1985.

Visiting Lecturer, St. Andrews University, May, 1986.

Visiting Scholar, Max-Planck Institut Fur Auslandsches und Internationalisches Strafrecht,  
summer, 1986.

Visiting Professor (non-teaching), Faculty of Law, University of British Columbia, summer,  
1991; summer, 1992.

Visiting Scholar, University of Colorado School of Law, summer, 1993.

Visiting Scholar, University of Oregon School of Law, summer, 1996.

Visiting Scholar, University of San Diego School of Law, spring-summer, 1998.

Visiting Scholar, University of California at Berkeley School of Law, summer, 2000, summer,  
2001, summer, 2004.

**SPEECHES:**

*Television Appearances:*

Commentator on probate issues concerning the estate of Anna Nicole Smith, MSNBC, Feb. 21, 2007.

*Academic Symposia:*

The Behavioral Analysis of Legal Institutions: Possibilities, Limitations, and New Directions, Florida State University College of Law, 2004.

Trust Law in the 21st Century, Benjamin N. Cardozo School of Law, 2005.

*Presentations at Meetings of Professional Societies:*

American Society for Legal History, Annual Meeting, 1984.

American Culture Association, Annual Meeting, 1986.

American Society for Legal History, Annual Meeting, 1986.

Social Science History Association, Annual Meeting, 1993.

American Bar Association, Annual Meeting, 2000.

American College of Trust and Estate Counsel, Legal Education Committee, Annual Meeting, 2004.

American College of Trust and Estate Counsel, State Laws Committee, Annual Meeting, 2006.

American College of Trust and Estate Counsel, Asset Protection Committee, Summer Meeting, 2007.

American College of Trust and Estate Counsel, State Laws Committee, Fall Meeting, 2007.

7th Annual Estate and Tax Planning Seminar, 2008.

Fiduciary Law Institute, 2008.

American College of Trust and Estate Counsel, Asset Protection Committee, Fall Meeting, 2008.

Conference, The Law of Succession in the 21st Century, UCLA, 2008.

American College of Trust and Estate Counsel, State Laws Committee, Annual Meeting, 2009.

*Faculty Workshops and Colloquia:*

University of California, Hastings College of the Law, 1989.

Tulane University Law School, 1991.

University of British Columbia Law School, 1992.

University of Denver College of Law, 1993.

University of Colorado School of Law, 1994.

University of California, Hastings College of the Law, 1994.

University of San Diego School of Law, 1995.

University of California at Davis School of Law, 1995.

Samford University, Cumberland School of Law, 1996.

University of California, Hastings College of the Law, 1998.

University of California at Berkeley School of Law, 2000.

University of California, Hastings College of the Law, 2001.

University of San Diego School of Law, 2002.

Southern Methodist University Dedman School of Law, 2004.

Washington University School of Law, 2004.

New England School of Law, 2005.

University of Connecticut School of Law, 2005.

Boston College Law School, 2005.

University of Pittsburgh School of Law, 2006.

George Mason University School of Law, 2006.

George Washington University Law School, 2006.

Vanderbilt University Law School, 2007.

University of San Diego School of Law, 2008.