

Robert Edward Atkinson, Jr.

Home: 9885 Old Centerville Road
Tallahassee, FL 32308
(850) 668-5253

Office: College of Law
Florida State University
215 B.K. Roberts Building
Tallahassee, FL 32306-1034
(850) 644-4503

Education

Yale Law School, Juris Doctor (June 1982).

Washington and Lee University, Bachelor of Arts, Summa Cum Laude, History and Philosophy
(June 1979) (4.0 cumulative g.p.a.) (Phi Beta Kappa, junior year).

Scottish Universities' Summer School, University of Edinburgh (Summer 1978).

Employment

Ruden, McClosky, Smith, Schuster & Russell Professor of Law, The Florida State University
College of Law (2001).

Professor, The Florida State University College of Law
(August 1996 to present).

Associate Professor, The Florida State University College of Law
(August 1992 to August 1996) (Tenure granted effective August 1992).

Assistant Professor, The Florida State University College of Law
(August 1987 to August 1992).

Associate, Sutherland, Asbill and Brennan, Washington, D.C.
(March 1984 to June 1987).

Research Assistant, Professor Michael Reisman, Yale Law School, New Haven, Connecticut
(September to December, 1983).

Judicial Clerk, The Honorable Donald S. Russell, United States Court of Appeals for the Fourth
Circuit, Spartanburg, South Carolina
(September 1982 to September 1983).

Published Papers

What Is It Like to Be Like That?: The Progress of Law and Literature's "Other" Project, 43 *Studies in Law, Culture, and the Humanities* 21 (symposium issue 2008).

The Low Road to Cy Pres Reform: Principled Practice to Remove Dead Hand Control of Charitable Assets, 58 *Case Western L. Rev.* 97 (2007).

Combining Business Ethics and Legal Ethics for the Common Good: Come, Let Us Reason Together, 29 *J. Corp. Law* 469 (2004).

Growing Greener Grass: Looking from Legal Ethics to Business Ethics, and Back, *St. Thomas University [Minnesota] Law Journal* (2004 Symposium, "Understanding the Intersection of Business and Legal Ethics") (2004).

Reviving the Roman Republic; Remembering the Good Old Cause, 57 *Fordham L. Rev.* 1187 (2003) (symposium issue).

A Skeptical Answer to Edmundson's Contextualism: What We Know We Lawyers Know, 30 *FSU L. Rev.* 25-52 (2002).

Law as a Learned Profession: The Forgotten Mission Field of the Professionalism Movement, 52 *S. C. L. Rev.* 621 (2001) (symposium issue).

Pro Bono Publico Representation of the Poor: The Good as Enemy of the Best, 9 *JOURNAL OF GENDER, SOCIAL POLICY, AND THE LAW* 129 (2001) (symposium issue).

*The Reformed Welfare State as the Radical Humanist Republic: An Enthusiastic (If Qualified) Endorsement of Matthew Adler's *Beyond Efficiency and Procedure**, 28 *F.S.U. LAW REVIEW* 339 (2000) (symposium issue).

Nihilism Need Not Apply: Law and Literature in Barth's The Floating Opera, 32 *ARIZ. ST. L. REV.* 747 (2000).

"Problems with Presbyterians: Prolegomena to a Theory of Voluntary Associations and the Liberal State," Chapter 6 in *FOUNDATIONS OF CHARITY* (Hart Press 2000).

Lawyering in Law's Republic: William Simon's The Practice of Justice: A Theory of Lawyers' Ethics, 85 *VIRGINIA LAW REVIEW* 1505 (1999) (book review).

Liberating Lawyers: Diverging Parallels in Intruder in the Dust and To Kill a Mockingbird, 49 *DUKE LAW JOURNAL* 601 (1999).

Brer Rabbit Professionalism: A Homily on Moral Heroes and Lawyerly Mores, 27 *FSU LAW*

REVIEW 137 (1999) (symposium).

Lucifer's Fiasco: Lawyers, Liars, and L'Affaire Lewinsky, 68 FORDHAM LAW REVIEW 567 (1999) (symposium).

Comment on Steven Lubet, *Reconstructing Atticus Finch*, 97 MICH. L. REV. 1370 (1999).

Unsettled Standing: Who (Else) Should Enforce the Duties of Charitable Fiduciaries?, 23 J. CORP. LAW 655 (1998) (symposium).

Theories of the Federal Income Tax Exemption for Charities: Thesis, Antithesis, and Syntheses, 27 STETSON L. REV. 395 (1997) (symposium).

How the Butler Was Made to Do It: The Perverted Professionalism of The Remains of the Day, 105 YALE LAW JOURNAL 177 (1995), published as a speech in ST. THOMAS L.REV. (symposium).

A Dissenter's Commentary on the Professionalism Crusade, 74 TEXAS LAW REVIEW 259 (1995), published as a speech in *20 Social Responsibility: Business, Journalism, Law, Medicine* 16 (1994).

Chapter 15, "Theories of the Special Tax Treatment of Nonprofit Organizations," in Barbara L. Kirschten and Frances R. Hill, *Federal and State Taxation of Exempt Organizations* 15-1 to 15-36 (1994).

Neutral Partisan Lawyering and International Human Rights Violators, 17 FORDHAM INTERNATIONAL LAW JOURNAL 531 (1994) (symposium).

Reforming Cy Pres Reform, Yale Program on Non-profit Organizations, Working Paper No. 184 (March 1993); 44 HASTINGS LAW JOURNAL 1111 (1993).

Beyond the New Role Morality for Lawyers, 51 MARYLAND LAW REVIEW 853 (1992).

Altruism in Nonprofit Organizations, Yale Program on Non-profit Organizations, Working Paper No. 145 (September 1989), 31 BOSTON COLLEGE LAW REVIEW 501 (1990).

Chiechi, Atkinson, and Galston, *Impact of the 1986 Tax Reform Act on Exempt Organizations*, 66 JOURNAL OF TAXATION 344 (1987).

Third Parties' Tax-Exempt Status Can Be Challenged, 63 JOURNAL OF TAXATION 166 (1985).

Papers Accepted for Publication

Rediscovering the Duty of Obedience: Toward a Trinitarian Theory of Fiduciary Duty, Journal of Corporation Law (2008).

Papers Submitted for Publication

Averting the Captain Vere “Veer”: *Billy Budd* as Melville’s Republican Response to Plato.

Presentations at International Meetings

Remodeling the Temple of Professionalism: A Blueprint for Neo-Classical Republicanism in Law and Business, Third International Legal Ethics Conference (Gold Coast, Australia, 14 July 2008).

Averting the Captain Vere “Veer”: Billy Budd as Melville’s Republican Response to Plato, Third International Legal Ethics Conference (Gold Coast, Australia, 15 July 2008).

What Is It Like to Be Like That?: The Progress of Law and Literature’s “Other” Project, Third International Legal Ethics Conference (Gold Coast, Australia, 16 July 2008).

Rediscovering the Duty of Obedience: Toward a Trinitarian Theory of Fiduciary Duty, Queensland University of Technology, Faculty of Business, Australian Center on Philanthropy and Nonprofit Studies (Offices of McCollough and Robertson, Queensland, Australia, 22 July 2008).

Developments in Cy Pres in the United States, Queensland University of Technology, Faculty of Business, Australian Center on Philanthropy and Nonprofit Studies (Offices of Freehills, Melbourne, Australia, 25 July 2008).

“Rediscovering the Duty of Obedience: Toward a Trinitarian Theory of Fiduciary Duty,” Conference on Comparative Corporate Governance for Nonprofit Organizations, Max Planck Institute for Foreign Private and Private International Law and the University of Heidelberg (Heidelberg, July 7, 2006).

“The Low Road to Cy Pres Reform: Principled Practice to Remove Dead Hand Control of Charitable Assets,” National Program on Philanthropy and the Law, 2005 Annual Conference, “Grasping the Nettle: Honoring Donor Intent and Avoiding the Dead Hand” (New York University School of Law, October 28, 2005).

A Social Democratic Critique of Pro Bono Lawyering, (Legal Aid Roundtable on the Future of Pro Bono (Osgoode Hall Law School, Toronto, Ontario, Canada, November 1, 2002). Comment on Neil Brooks, “Financing the Welfare State: Social Policy or Tax Policy,” Conference on Charity and Charities Law, Faculty of Law, University of Toronto (Jan. 23, 1999).

“Problems With Presbyterians: Prolegomena to a Theory of Voluntary Associations and the Liberal State,” Colloquium on the Foundations of Charity, School of Law, King’s College, University of London (Sept. 15, 1998).

“Rationales for the Favorable Tax Treatment of Nonprofit Organizations,” Keynote Speech, Round Table on International Tax Treatment of Non-Governmental Organizations,

sponsored by the Europhil Trust (Bratislava, Slovakia, December 17, 1996).

"The Rationale for Charity Law," International Charity Law Conference, sponsored by the National Council for Voluntary Organisations (Royal Holloway College, Egham, Surrey, England, September 16, 1994).

"The Doctrine of Cy Pres," International Charity Law Conference, sponsored by the National Council for Voluntary Organisations (Royal Holloway College, Egham, Surrey, England, September 16, 1994).

"An Alternative Theory of Tax Exemption," Annual Meeting, ABA Section of Taxation, Committee on Exempt Organizations (Toronto, Ontario, August 5, 1988).

Presentations at National Meetings

Panel on Applying Cy Pres, Columbia Law School National State Attorneys General Program, Charities Law Conference, Columbia Law School, New York, NY (March 29, 2008).

Panel on Nonprofit and Philanthropy Law Scholarship, AALS Section on Nonprofit and Philanthropy Law, AALS Annual Meeting, New York, NY (January 6, 2008).

"Professional Ethics for Energy and Mineral Lawyers," CLE panel for the 26th Annual Institute, Energy & Mineral Law Foundation, Amelia Island, Florida (May 17, 2005).

Testimony, United States Senate Finance Committee Roundtable on Nonprofit Organizations, Washington, D. C. (July 22, 2004).

"Ethical Jeopardy," CLE panel for the Fifth Annual Bench and Bar Conference of the Federal Circuit Bar Association, Amelia Island, Florida (May 22, 2003).

"All I Know about Law I Learned at the Movies," CLE panel for the annual meeting of the ABA Equal Employment Opportunity Committee (Hollywood, Florida, March 21, 2003).

"A Social Democratic Critique of Pro Bono Lawyering," Faculty Workshop, Cornell Law School (Ithaca, New York, February 22, 2002).

"Nonprofits, the Market Economy, and the Liberal State: History, Theory, and Challenges," at the Second Annual Nonprofit Symposium at the Johnson Graduate School of Management, Cornell University (Ithaca, New York, April 5, 2002).

"*To Kill a Mockingbird* and *Intruder in the Dust*," at the Ninth Annual Alumni College Seminar on Law and Literature, Washington and Lee University (Lexington, Virginia, November 9, 2001).

"Law as a Learned Profession: The Forgotten Mission Field of the Professionalism Movement" in "Improving the Professionalism of Lawyers," jointly sponsored by the Nelson,

Mullins, Riley, & Scarborough Center on Professionalism at the University of South Carolina School of Law and the Keck Center on Legal Ethics and the Legal Profession at Stanford Law School (Savannah, Georgia, October 21, 2000).

“Pro Bono Publico Representation of the Poor: The Good as Enemy of the Best,” in “Historical Perspectives on Pro Bono Law,” American University (Washington, D.C., April 21, 2000).

“The Reformed Welfare State as the Radical Humanist Republic: An Enthusiastic (If Qualified) Endorsement of Matthew Adler’s *Beyond Efficiency and Procedure*,” in “Regulatory Theories and Administrative Law,” FSU College of Law (February 18, 2000).

“Brer Rabbit Professionalism: A Homily on Moral Heroes and Lawyerly Mores,” Defining and Refining Professionalism, FSU College of Law (Feb. 12, 1999).

"A Dissenter's Commentary on the Professionalism Crusade," Keynote Address, Twentieth Annual Legal Ethics Institute, Washington and Lee University (Lexington, Virginia, November 12, 1993).

"Lawyering for Loopholes," Seminar Presentation, Twentieth Annual Legal Ethics Institute, Washington and Lee University (Lexington, Virginia, November 12, 1993).

"Neutral Partisan Lawyering and International Human Rights Violations," Comment on papers by Robert F. Drinan and Michael F. Armstrong on "The Role of the Lawyer: Hired Gun or Moral Champion?," first panel in symposium on "Lawyers' Ethics and International Human Rights Violations," Stein Institute of Law and Ethics, Fordham University School of Law (New York, New York, October 20, 1993).

"Ethical Problems in Criminal Defense Work," Seminar Presentation, Nineteenth Annual Legal Ethics Institute, Washington and Lee University (Lexington, Virginia, November 6, 1992).

Chair, "In Tribute to Henry Hansmann," 1992 Annual Conference, Association for Research on Nonprofit Organization and Voluntary Action (Yale University, New Haven, Connecticut, November 1, 1992) (chairing presentation of papers in tribute to the work of Henry Hansmann of the Yale Law School on the theory of nonprofit organizations).

"Reforming Cy Pres Reform," 1992 Annual Conference, Association for Research on Nonprofit Organizations and Voluntary Action (Yale University, New Haven, Connecticut, October 31, 1992).

"Charitable Tax Exemption -- Is Altruism Enough?," Annual Meeting, ABA Section of Business Law, Committee on Nonprofit Corporations (Orlando, Florida, April 10, 1992).

"Theories of the Federal Income Tax Exemption for Charities: Thesis, Antithesis, and Syntheses," New York University School of Law, Program on Philanthropy and the Law, Third Annual Conference (New York, New York, October 11, 1991).

"Major Legal Topics Which Should Be Included in a Law School Course on Nonprofit Organizations," New York University School of Law, Program on Philanthropy and the Law, First Annual Conference (New York, New York, November 10, 1989).

"Policy Bases for Federal Income Tax Exemption of Nonprofit Organizations," 25th Washington Non-Profit Tax Conference (Washington, D.C., March 10, 1989).

"An Exploration of the Rationale for Tax Exemption," Annual Meeting, National Conference on Planned Giving (Indianapolis, Indiana, November 1, 1988)(paper presented as part of panel discussion).

"Policy Bases for Tax Exemption: Revisited," 24th Washington Non-Profit Tax Conference (Washington, D.C., March 3, 1988).

"Sections 501(c)(3) and 501(c)(6): What's the Distinction?" 23rd Washington Non-Profit Tax Conference (Washington, D.C., March 5, 1987).

Presentations at Regional Meetings

Intruder in the Dust vs. *To Kill a Mockingbird*, Law and Literature Program, Southeastern Association of Law Schools (SEALS) Annual Meeting, Amelia Island, Florida (August 2007).

Combining Business Ethics and Legal Ethics for the Common Good, Southeastern Association of Law Schools (SEALS) Annual Meeting, Kiawah Island, South Carolina (August 1, 2004).

Problems with Presbyterians: Prolegomena to a Theory of Voluntary Associations and the Liberal State," New York Nonprofit Forum (New York, New York, June 21, 2000).

"Reforming Cy Pres Reform," New York Nonprofit Forum (New York, New York, April 16, 1992).

"Philanthropy and Society," Keynote Speech, Annual Meeting, Planned Giving Group of New England (Boston, Massachusetts, May 10, 1989).

Presentations at State and Local Meetings

The Good Samaritan of *Boston Legal*: Modern American Civility versus Ancient Western Traditions?

Tallahassee Bar Association Monthly Meeting (February 2008).

Florida Fourth Judicial Circuit's annual professionalism conference (Jacksonville, Florida, August 30, 2007).

Florida Fifth Judicial Circuit's annual professionalism conference (Ocala, Florida, February 23, 2007).

West Palm Beach County Bar Association annual professionalism conference (West Palm Beach, Florida, March 30, 2007).

Charitable Self-Regulation: Complexities and Opportunities, Rollins College, Winter Park, Florida (June 3, 2005).

Combining Business Ethics and Legal Ethics for the Common Good: Come, Let Us Reason Together, Ethics and Professionalism Seminar, First Central Florida American Inn of Court and Orange County Bar Association, Orlando, Florida (May 26, 2005) (CLE program).

Report on Current Congressional Legislation on Nonprofit Organizations, Florida Philanthropic Network Partners' Meeting, Tallahassee Florida (January 10, 2005).

Bureaucratic Ethics: How to Be a Good Person and a Good Public Administrator, Florida Department of Financial Services Management Retreat, Tallahassee, Florida (December 13, 2004).

How to Feel Better, Write Better, and Be Better: Aristotle's *Rhetoric*, Plato's *Gorgias*, and Your Mama, Ruden McClosky Associates' Seminar, Ft. Lauderdale, Florida (July 7, 2004) (CLE presentation).

How to Enhance Your Writing Skills and Stay Within Ethical and Professional Guidelines, Florida

Bar Annual Meeting, The Bar *Journal* and *News* Editorial Board Program, Boca Raton, Florida (June 24, 2004) (CLE presentation).

Legal Ethics in Popular Film: What We Can Learn, What We Can Teach, Palm Beach County Bar Association (April 2, 2004) (CLE presentation).

Legal Ethics Issues in Popular Film, Ruden McClosky Smith Schuster & Russell annual partners' retreat (Naples, Florida, June 2003) (co-presenter, CLE Presentation).

Issues in Legal Ethics, Ruden McClosky Smith Schuster & Russell annual partners' retreat (Naples, Florida, June 1, 2002) (co-presenter, CLE Presentation).

"The Professionalism Movement's Meaning for the Matrimonial Bar," Fall Retreat, Florida Chapter of the American Academy of Matrimonial Lawyers (Ponte Vedra Beach, Florida, October 1, 1999).

"The Role of Law Schools in Promoting Professionalism," Panel Presentation, Florida Conclave on Attorney Professionalism, sponsored by Stetson University College of Law (St. Petersburg, Florida, November 22, 1996).

"How the Butler Was Made to Do It: The Perverted Professionalism of *The Remains of the Day*," presentation in symposium on Race, Gender, Power, and the Public Interest: Perspectives on Professionalism, St. Thomas University School of Law (Miami, Florida, November 18, 1994).

"Professionalism and Ethics in Real Estate Practice," Attorneys' Title Insurance Fund Annual Assembly (Orlando, Florida, May 15, 1993).

Presentations at University Faculties and Programs

Growing Greener Grass: Looking from Legal Ethics to Business Ethics, and Back, St. Thomas University Law Review Symposium, "Understanding the Intersection of Business and Legal Ethics" (St. Paul, Minnesota, March 6-7, 2004).

"Rationales for the Federal Income Tax Exemption of Nonprofit Organizations," Faculty Colloquium, Duke Law School (Durham, North Carolina, March 24, 1992).

Guest Lecturer, Duke University Department of Public Policy Studies, Course No. 264.S, The Idea of the Voluntary Sector (Durham, North Carolina, March 23, 1992).

"Altruism in Nonprofit Organizations," Yale Program on Nonprofit Organizations Luncheon Series (New Haven, Connecticut, November 13, 1989).

Subjects Taught

Property, Professional Responsibility, Law and Literature, Legal Ethics, Judging, Social Responsibilities of Lawyers, Czech Literature and the Law, Land Use Regulation.

Professional Activities

Member, Panel on the Nonprofit Sector, convened by Independent Sector at the behest of the U.S. Senate Finance Committee (October 2004).

Member, Florida Bar Family Law Section Task Force on Bounds of Advocacy (Fall 2003 to June 2004).

Member, Board of Advisors, New York University School of Law Program on Philanthropy and the Law, May 1992 to May 1995.
Chair, May 1999 to May 2000.

Member, Florida Bar Committee on Lawyer Professionalism, September 1992 to present.

Liaison, Florida Supreme Court Professionalism Commission, 1995 to 2000.

Member, District of Columbia Bar
Active, 1984-1987
Inactive, 1987 to present.

American Bar Association, Section of Taxation, Committee on Exempt Organizations
Secretary, 1985 to 1987
Chair, Subcommittee on Important Developments, 1987 to 1989.
Member, Task Force on International Philanthropy, November 1994 to 1995.

Member, New York Nonprofit Forum, May 1990 to October 1991.

Member, Florida Bar Commission on Lawyer Professionalism, 1987 to 1989.

Monthly Columnist, "Letters Home," Kingstree News, Kingstree, South Carolina,
August 1993 to April 1994.

Extramural Academic Service.

Tenure evaluation, Associate Professor Jonathan R. Cohen, University of Florida College of Law
(November 4, 2004).

Tenure evaluation, Assistant Professor Mark Sidel, University of Iowa College of Law (July 1,
2004).

Promotion evaluation, Associate Professor Evelyn Brody, Chicago-Kent College of Law
(October
30, 2000).

Academic Committee Service

1987-1988	Admissions Committee
1988-1989	Curriculum Committee Dean Search Committee
1989-1990	Minority Affairs Committee Speakers Committee Clinics Committee Scholarships and Awards Committee
1990-1991	Clinics Committee Appointments Committee
1991-1992	Appointments Committee

1992-1993	Admissions Committee
1993-1994	Chair, Ladd Lecture Committee Appointments Committee Research Leave Committee
1994-1995	Appointments Committee Faculty Enrichment Committee Research Leave Committee FSU Faculty Senate
1995-1996	Chair, Academic Enrichment Committee Long Range Planning Committee FSU Faculty Senate
1996-1997	Appointments Committee FSU Faculty Senate
1997-1998	Curriculum Committee FSU Faculty Senate
1998-1999	Ball Eminent Scholar Chair Committee (Vice Chair) FSU Faculty Senate
1999-2000	Admissions Committee FSU Faculty Senate
2000-2001	Chair, Academic Environment Promotion and Tenure Admissions FSU Faculty Senate
2001-2002	Admissions Committee Chair, Recruitment Subcommittee Promotion and Tenure FSU Faculty Senate
2002-2003	Admissions Committee Curriculum Committee
2003-2004	Chair, Admissions Committee FSU Faculty Senate
2004-2005	Chair, Admissions Committee FSU Faculty Senate

2005-2006 Admissions Committee
Appointments Committee

Advisor of Student Organizations

College of Law Democrats
College of Law Republican Club
Phi Delta Phi International Legal Fraternity
F.S.U. Law Review
Women's Law Symposium
OutLaw

Personal

I was born on January 20, 1957, and raised in Kingstree, South Carolina. I am married to Stephanie Wynn Gamble of Indiantown, South Carolina. We have two children: Richard Edward Gamble Atkinson, born on February 11, 1983, and Jane Louise Gamble Atkinson, born on July 11, 1986.