

May 23, 2016

Monica Jackson
Office of the Executive Secretary
Consumer Financial Protection Bureau
1700 G Street, NW
Washington DC 20552

Re: CFPB-2016-0020, RIN 3170-AA51

Dear CFPB:

We write to strongly support proposed regulation CFPB-2016-0020, RIN 3170-AA51. We are 210 law professors and scholars who teach and write in such disciplines as civil procedure, contracts, consumer law, financial services law, and dispute resolution. This regulation would accomplish two important goals. First, it would bar companies that provide consumer financial products and services from imposing pre-dispute arbitration clauses combined with class action waivers. Second, the proposed regulation would require regulated parties to collect and transmit to the Consumer Financial Protection Bureau (“CFPB”) information regarding use of arbitration in the consumer financial context.

As a group of experienced legal academics, we approach the issues of pre-dispute arbitration clauses and bans on class proceedings from a myriad of different perspectives and political sensibilities. Nonetheless, based on our varied scholarship and teaching backgrounds, we all agree (1) it is important to protect financial consumers’ opportunity to participate in class proceedings; and (2) it is desirable for the CFPB to collect additional information regarding financial consumer arbitration.

The benefits and detriments of both forced arbitration and class actions have been debated vigorously for over twenty years in academia, as well as in litigated cases, Congressional hearings and among the general public. Although some good empirical work has been done on these issues, scholars have consistently asserted the need for more and better data-driven studies. Too often, heated discussions have been based on speculation, rather than data; this is especially problematic given the largely private world of confidential arbitration. Accordingly, we were very pleased when Congress, in enacting the Dodd-Frank Wall Street Reform and Consumer Protection Act, mandated in Section 1028(a) that the CFPB study “the use of agreements providing for arbitration of any future dispute . . . in connection with the offering or providing of consumer financial products or services. . . .” After soliciting suggestions on how to conduct such a study, receiving and incorporating ideas from many corners, and spending three years collecting and analyzing massive amounts of data, the CFPB produced a comprehensive

and impressive report in March 2015.¹ The results of this study support the proposed regulation, as discussed below.

CFPB's study clearly shows that pre-dispute arbitration clauses are extremely common in the consumer financial context, and, indeed, are becoming standard practice across a number of different industries. While the incidence of pre-dispute arbitration clauses varies substantially depending on the consumer product or service, CFPB found that mobile wireless and payday loan contracts virtually always compelled consumers to resolve future disputes through arbitration, and that checking account and credit card contracts mandated arbitration roughly half of the time.² The CFPB study also found that almost all of the studied arbitration clauses precluded affected consumers from participating in class actions.³ Yet, despite the prevalence of these clauses, the CFPB found that the majority of financial consumers are not entering into these arbitration clauses knowingly. Based on a national telephonic survey of credit card holders, the CFPB determined, unsurprisingly, that most consumers simply did not focus on dispute resolution clauses when deciding on a credit card, and the vast majority did not understand the implications of forced arbitration.⁴ Less than seven percent of consumers whose credit card agreements included arbitration provisions understood that they were precluded from suing the company in court should a dispute arise.⁵

As a group, we have varying perspectives on whether the CFPB regulation goes far enough. Some among us believe the agency should issue a broader regulation banning forced arbitration clauses altogether in consumer financial contracts, whether or not these clauses contain class action waivers. Others among us believe that using pre-dispute arbitration agreements in the consumer context may not be harmful, or may even be beneficial, apart from the class action prohibition. And, still others among us are not sure where they stand on the desirability of banning forced arbitration in this context. Nonetheless, these differences in our perspectives do not undercut our strong agreement that the CFPB is right to both prevent companies from using arbitration to take away financial consumers' opportunity to participate in class proceedings and require the submission of additional data and information that will allow the agency to further study this important area. We believe that the proposed regulations are critically important to protect consumers and serve the interests of the American public.⁶

¹ See Consumer Financial Protection Bureau, Arbitration Study: Report to Congress, pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act Section 1028(a) (March 2015) [hereinafter "CFPB Report"].

² *Id.* at Section 2.3. This finding is generally consistent with prior research.

³ *Id.* at Section 2.5.5.

⁴ *Id.* at Sections 3.4.1 & 3.4.3.

⁵ These results are largely consistent with other studies, e.g., Jeff Sovern, Elayne E. Greenberg, Paul F. Kirgis, and Yuxiang Liu, "Whimsy Little Contracts," *With Unexpected Consequences: An Empirical Analysis of Respondent Understanding of Arbitration Agreements*, 75 MARYLAND L. REV. 1 (2015).

⁶ See Dodd Frank Section 1028(b) (authorizing CFPB to issue regulations prohibiting use of arbitration or imposing conditions on its use, regarding consumer financial products or services, "if the Bureau finds that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers").

Protection of Financial Consumer Class Actions

As teachers and scholars in a variety of legal disciplines, we have been disturbed by recent court decisions that have allowed companies in a broad range of consumer finance areas (e.g., banks, credit card providers, pay-day lenders, automobile finance entities) to use pre-dispute arbitration clauses to avoid class claims and thereby elude federal and state consumer protection laws. In particular, the Supreme Court's decision in *AT&T Mobility v. Concepcion*, 563 U.S. 333 (2011), greatly diminished consumers' ability to attack class action waivers in arbitration clauses as unconscionable or otherwise invalid as a matter of traditional contract law; and the Court's decision in *American Express Co. v. Italian Colors*, 133 S. Ct. 2304 (2013), undercut consumers' argument that such clauses are unenforceable where they prevent claimants from vindicating their federal statutory rights. A number of lower courts have interpreted these decisions expansively, giving companies *carte blanche* to insulate themselves from consumer financial class actions.

In our view, the proposed regulation banning class action waivers in the consumer financial context is appropriate for three reasons: (1) class actions can serve as a powerful tool to help consumers of financial services and products vindicate their rights under federal and state law; (2) individual arbitrations are not and realistically will never be a sufficient substitute for consumer class actions; and (3) our legal system relies heavily on private enforcement of consumer rights through class actions, as public enforcement may face significant resource restraints. Below we set out our thinking on these points.

(1) Class actions are a powerful tool that can help financial consumers vindicate their rights under federal and state law

The CFPB Study clearly shows that class actions can be a powerful tool to help consumers vindicate their rights under federal and state law. After examining both federal and state court dockets, the CFPB found that millions of financial consumers participate in class actions, recovering billions of dollars in damages as well as important non-monetary relief in the form of changes to harmful business practices. Specifically, looking at consumer financial class action settlements in federal court from 2008-2012, the CFPB identified 419 consumer class action settlements in the financial sector, which together represented the interests of more than 160 million class members.⁷ In these settlements, defendants agreed to pay roughly \$2.0 billion in cash relief and \$644 million in in-kind relief.⁸ CFPB further found that, of the 251 settlements in which data were reported, defendants paid or were scheduled to pay \$1.1 billion in either cash or debt forbearance.⁹ Thus, on average, between 2008 and 2012, class action settlements in the studied cases committed to pay out more than \$220 million annually to financial consumers. In addition, approximately fifteen percent of

⁷ CFPB Report at Section 8.1. The Report explains that these numbers are actually undercounts, in that they include only the 329 of 419 settlements for which CFPB could obtain accurate figures or estimates of class size, and exclude a single giant settlement including 190 million class members.

⁸ *Id.*

⁹ *Id.*

the studied settlements directly mandated what the CFPB called “behavioral relief” – commitments by the company to “alter its behavior prospectively, for example by promising to change business practices in the future or implementing new compliance programs.”¹⁰ In sum, this data demonstrates that class actions against companies that market financial services and products bring substantial relief to millions of consumers. These class actions also help ensure that our financial consumer laws are enforced and thereby deter companies from engaging in future violations of these laws. Companies engage in risk management calculations and are less likely to risk violating consumer laws if they know they may be sued in class actions for such violations.

While we appreciate that some consumer class actions can legitimately be critiqued on a variety of grounds, we also believe that reforming class action procedure should continue to be handled legislatively or administratively, rather than by allowing companies to impose arbitration clauses to insulate themselves from the class device. It is clear that consumer class actions can greatly benefit both consumers and the public at large.

(2) Individual arbitrations are not a realistic substitute for consumer financial class actions

Proponents of class action waivers have suggested that financial consumers can vindicate their rights more quickly, cheaply and better in individual arbitrations than in litigated individual claims or class proceedings. Yet, the data gathered by the CFPB belies this claim: although millions of financial consumers are covered by pre-dispute arbitration clauses, the CFPB study found that just a few hundred such consumers file individual arbitration claims each year. Specifically, the CFPB found that between 2010 and 2012 only a few hundred financial consumers filed arbitration claims with the American Arbitration Association, even though the AAA handles more consumer arbitration claims than any other arbitration provider.¹¹ Moreover, of the arbitration claims that were brought by individual consumers, most involved claims of over \$1,000. In other words, a minuscule number of consumers bring individual arbitrations to recover low-dollar claims.¹² Notably the CFPB also found that very few individual consumers bring lawsuits in court, particularly as compared to the millions of consumers who receive protection in class actions.¹³

¹⁰ *Id.* at Section 8.1 n. 7. Of course, additional defendants and other companies may also have changed their behavior as a result of these class actions.

¹¹ The CFPB Report at Sections 5.2.1 & 5.5.1 identified 1,847 AAA consumer arbitration disputes involving credit cards, checking accounts, payday loans, GPR prepaid cards, auto purchase loans, or private student loans, but also noted that a substantial number of these disputes were filed by the company rather than the consumer and/or involved claims of unpaid consumer debts rather than affirmative claims brought by consumers.

¹² The CFPB’s study of six product markets found only approximately 25 claims per year brought by consumers seeking affirmative relief of \$1,000 or less. CFPB Report at Section 5.2.1. Similarly, another study looking at a broader array of consumer arbitration claims found less than 4% of the claims were brought for \$1,000 or less. See David Horton & Andrea Cann Chandrasekher, *After the Revolution: An Empirical Study of Consumer Arbitration*, 104 GEO. L.J. 57, 117 (2015).

¹³ See CFPB Report at 6.2.1 (finding 3,462 individual consumer cases filed in federal court during a three year period in six product markets).

It is easy to see why consumers are reluctant to bring claims individually. First, many individual claims against consumer financial services companies¹⁴ are worth only small amounts of money. As Judge Posner put it, “The realistic alternative to a class action is not 17 million individual suits, but zero individual suits, as only a lunatic or a fanatic sues for \$30.” *Carnegie v. Household Int’l Inc.*, 376 F.3d 656, 661 (7th Cir. 2004). It simply is not worth a consumer’s time or trouble, nor a lawyer’s, to pursue a small claim. Second, it is difficult to obtain legal representation to bring low-value individual claims: consumers typically cannot afford to pay attorneys an hourly rate to represent them on such a claim and attorneys cannot afford to handle these claims on a contingent fee basis. Third, individual consumers may not be aware that a financial services company has harmed them, nor that the harm was unlawful. For example, a consumer might well not realize they were charged an improper interest rate or discriminated against on the basis of their race with respect to a loan rate. By contrast, class proceedings are well designed to deal with each of these problems – they allow many small claims to be grouped together, make it easier for financial consumers to obtain representation, and allow financial consumers who may not realize they have been wronged to participate in a class action where their rights can be adjudicated.

In other words, one of the harmful consequences of pre-dispute arbitration clauses containing class action waivers is that they suppress claims that consumers might otherwise bring. While it is true that fairly few consumers file individual claims to vindicate their legal rights, this is not necessarily because they lack valid claims; rather, most consumers are simply unaware that they have been harmed, unaware that the harm violates a law, or have decided that filing individual arbitration claims is not worth their time and expense.¹⁵ Yet, from both an individual and societal standpoint it can be important to allow such claims to be brought.

Nor is there reason to believe, as some have suggested, that consumers would bring more individual arbitration claims against financial service providers if only they were better educated about the purported virtues of arbitration. Rather, a consumer who was truly well-informed about consumer arbitration would likely conclude that -- given the financial and other costs of arbitration and the limited likelihood of success -- it makes absolutely no sense to file an individual arbitration claim. Thus, if we want to ensure the enforcement of substantive laws protecting consumers we need to preserve consumer class actions.

The securities industry approach to aggregate claims also informs our perspective on the propriety of using arbitration clauses to eliminate class action claims. The

¹⁴ We are aware that the proposed regulation would govern companies that market both consumer financial services and also consumer financial products. However, in an effort to simplify, at times this comment uses the phrase “financial services” to also encompass financial products.

¹⁵ When consumers *are* aware of being wronged they may raise complaints internally with companies, file with a government agency, or seek protection from a credit card company if appropriate, rather than engage in more difficult and expensive litigation or arbitration. See Jean R. Sternlight, *Mandatory Binding Arbitration Clauses Prevent Consumers from Presenting Procedurally Difficult Claims*, 42 SOUTHWESTERN L. REV. 87, 101-102 (2012).

Securities and Exchange Commission (SEC) concluded that, to carry out its statutory mandate of ensuring investor protection, it must preserve the right of individual investors to pursue class claims in court. As a result, the securities self-regulatory organization FINRA bans broker-dealers from including class action waivers in their agreements with customers.¹⁶ The SEC's view that class claims belong in court and that investors are not fully protected through individual arbitration claims further supports the CFPB's approach to class action waivers in the consumer financial context.

(3) The U.S. legal system depends on private enforcement of rights

Whereas some other countries have invested substantial resources in large government agencies in order to enforce their laws, the United States has chosen to rely substantially on private enforcement of rights.¹⁷ Although state and federal agencies have authority to enforce consumer protection laws, they lack the resources to carry out that role in a comprehensive manner. Further, the CFPB study shows that, while there is some overlap between government enforcement actions and claims raised in consumer class actions, consumer class actions provide monetary recoveries and reform of financial services and products to many consumers whose injuries are not the focus of public enforcers.¹⁸

Nor do we believe, as some have suggested, that on-line claims systems or social media can currently take the place of consumer financial class actions. Such creative ideas are worth exploring, certainly, and may benefit some groups of consumers, particularly for simple and obvious claims. However, financial consumers who do not know they have been harmed, do not know the harm is illegal, and do not have the time or energy to be educated, will fail to take advantage of informal claims procedures; and on-line arbitration systems cannot help consumers or their advocates amass the expert testimony, legal research, or statistical studies sometimes necessary to prove financial harm.¹⁹ Thus, to the extent we allow financial services companies to use arbitration to eradicate consumer class actions, we are allowing these companies to insulate themselves from enforcement of our laws. This harms not only individual consumers but also the public at large.

¹⁶ See Barbara Black & Jill I. Gross, *Investor Protection Meets the Federal Arbitration Act*, 1 STAN. J. COMPLEX LITIG. 1, 27-28 (2012) (detailing development of and SEC's support for FINRA rule that prohibits investors from bringing class claims in arbitration and preserves investors' right to bring those claims in court); see also *FINRA Dep't of Enforcement v. Charles Schwab & Co., Inc.* (FINRA OHO Feb. 21, 2013) (disciplining broker-dealer for inserting a class action waiver in its form customer agreement). The 2015 report from the FINRA Dispute Resolution Task Force recommended an even more explicit FINRA rule prohibiting such clauses. See Final Report and Recommendations of the FINRA Dispute Resolution Task Force Final Report, at <http://www.finra.org/sites/default/files/Final-DR-task-force-report.pdf> (Dec. 16, 2015).

¹⁷ SEAN FARHANG, THE LITIGATION STATE: PUBLIC REGULATION AND PRIVATE LAWSUITS IN THE U.S. (2010); J. Maria Glover, *The Structural Role of Private Enforcement Mechanisms in Public Law*, 53 WM. & MARY L. REV. 1137 (2012).

¹⁸ CFPB Report, Section 9.

¹⁹ See Myriam Gilles & Anthony Sebok, *Crowd-Classing Individual Arbitrations in a Post-Class Action Era*, 63 DEPAUL L. REV. 447, 451-454 (2014) (explaining why internet and social media cannot adequately replace consumer class actions).

Required Reporting of Consumer Financial Arbitration Results

As legal scholars, we also heartily endorse the portion of the CFPB's proposed rule that would require regulated parties to submit initial arbitral filings, arbitral awards, and certain other correspondence regarding arbitration to the CFPB. Specifically, the draft rule would require regulated companies to provide to CFPB two categories of information: (a) claims, clauses, and judgments (if any) relating to consumer arbitration filings; and (b) any determinations by arbitrators or arbitration providers to the effect that a particular arbitration agreement does not comply with relevant fairness principles. The CFPB has stated an intent to publish redacted or aggregated versions of this information on its website. We believe that by implementing this portion of the rule CFPB will provide greater transparency regarding the nature of financial consumer arbitration, and that this will be helpful to the public, to attorneys, to regulators, and to academics.

Traditionally, arbitration has mostly been a private and confidential process, as neither parties nor arbitration providers have typically provided the public access to arbitration filings or awards. While this privacy is sometimes chosen knowingly and voluntarily by sophisticated parties as a positive feature of arbitration, this secrecy can be detrimental to the public-regarding values of law. If arbitration is entirely private, we cannot learn what kinds of claims are filed, what kinds of defenses are raised, the rate at which arbitral disputes are settled, the rate at which claimants prevail, what kinds of recoveries are typical, whether it is important to be represented by an attorney, whether frequent claimants or respondents have a "repeat player" advantage, or whether repeat arbitrators tend to rule more frequently for one side than the other. By contrast, while researching court processes can also be difficult, at least some aspects of federal and state processes are public. Researchers can more easily study litigation and word does tend to trickle out regarding the fairness and efficiency of the process.

Access to information about arbitration filings, awards, underlying clauses, and their compliance with fairness principles could be extremely useful to disputants, their attorneys (if represented), regulators, and academics. Disputants and their representatives would like more information in order to make more informed assessments of the likelihood of success.²⁰ Regulators such as the CFPB would like more information in order to determine the efficiency, access and fairness of arbitration, so that they can better determine whether any further regulation is necessary. And, of course, researchers and scholars would appreciate more access so that they might better inform those discussions.

While certain private arbitration providers have occasionally provided research access to their files, they generally have offered such access only to particular researchers and only to a subset of their files. Thus, even the few data-driven studies on arbitration have often been subject to challenge on the grounds that the researchers or their data were handpicked to support a particular perspective. Moreover, researchers

²⁰ Such information is likely to be particularly important to consumers, as they usually are one-shot players who therefore lack information about arbitrators' practices.

cannot legitimately conclude that results obtained from one arbitration provider are necessarily predictive of what they might find in the files of another arbitration provider. For example, the CFPB had to base its arbitration research on data obtained from just one source—the American Arbitration Association.²¹ The CFPB therefore explicitly recognized that its findings might have been different had it had the opportunity to review data from other arbitration providers.²²

Some may worry that providing greater access to arbitration filings or awards would harm the arbitral process, but prior grants of access in certain arbitration contexts have convinced us that complete privacy is not needed. For example, securities arbitration awards are made public by FINRA;²³ arbitral awards regarding internet domain name disputes are published by the Internet Corporation for Assigned Names and Numbers,²⁴ and some labor arbitration awards are required to be made public.²⁵ Despite this publication, arbitration works reasonably well in each of these fora. Further, the CFPB has stated that it will use redaction or aggregation to protect personal information to the extent it publishes information on its website. Any deterrence to the use of arbitration that publication might bring is speculative, and greatly outweighed by the benefits of transparency in furthering fairness and justice in the arbitration context.

An arbitration true story illustrates the benefits of arbitration transparency. The National Arbitration Forum, an arbitration provider, formerly marketed itself to debt collection companies and law firms, asserting they could use arbitration to cheaply and efficiently collect debts supposedly owed by consumers. NAF largely kept its files private, except when it provided occasional access to particular researchers. Yet, the Minnesota Attorney General eventually obtained access to these files and accused NAF of grossly failing to maintain neutrality by consorting with the companies engaged in debt collection actions against consumers.²⁶ Once these charges were brought, NAF quickly settled the enforcement action by agreeing to discontinue administering consumer debt collection arbitrations.²⁷ Had NAF been required to open its files to researchers and the public from the outset, presumably regulators and others would have learned of NAF's practices much more quickly, and perhaps NAF would not have entered into questionable agreements with debt collection entities in the first place.

²¹ CFPB Report, Section 5.4. AAA provided this data pursuant to a non-disclosure agreement.

²² *Id.* at Section 5.1.

²³ See <http://www.finra.org/arbitration-and-mediation/arbitration-awards> (providing a searchable online data base). To enhance transparency even more in the securities arbitration context, the FINRA DR Task Force recently recommended requiring arbitrators to write explained awards, unless the parties opt out. See FINRA DR Task Force Report, at 20-23.

²⁴ <https://archive.icann.org/en/udrp/proceedings-list.htm>.

²⁵ See, e.g., State of Minnesota Bureau of Mediation services, Arbitration Awards <http://mn.gov/admin/bms/arbitration/awards/index.jsp>.

²⁶ See generally Nancy A. Welsh, *What is "(Im)partial Enough" in a World of Embedded Neutrals*, 52 ARIZ. L. REV. 396, 427-430 (2010) (telling story of NAF consumer debt arbitration).

²⁷ *Id.*

Conclusion

CFPB's proposed regulation is desirable because it will prevent companies from using consumer financial arbitration to eliminate consumers' access to class actions and because it will require greater transparency regarding the nature of consumer financial arbitration. Both aspects of this proposed regulation will serve the interests of justice. For all of the reasons stated above, we enthusiastically support the CFPB's proposed regulation.

Sincerely,

Signatories²⁸

Hal Abramson
Professor of Law
Touro Law Center, New York

Bryan L. Adamson
Associate Professor of Law
Consumer Protection Clinic
Seattle University School of Law

Richard M. Alderman
Professor Emeritus
Director, Center for Consumer Law
University of Houston Law Center

Janet Cooper Alexander
Frederick I. Richman Professor of Law, Emerita
Stanford Law School

James J. Alfini
Dean Emeritus and Professor
South Texas College of Law

Lisa Blomgren Amsler
Keller-Runden Professor of Public Service and Senior Saltman Scholar
Indiana University School of Public and Environmental Affairs

Lori Andrews
Distinguished Professor
IIT Chicago-Kent College of Law

Barbara A. Atwood
Mary Anne Richey Professor of Law Emerita
Director, Family and Juvenile Law Certificate Program
James E. Rogers College of Law
The University of Arizona

Barbara Babcock
Crown Professor of Law, Emerita
Stanford Law School

²⁸ While we have listed the academic affiliations of signatories it is important to note that we have each signed in our individual capacity rather than as representatives of our respective institutions.

Richard A. Bales
Dean
Ohio Northern University Pettit College of Law

Mehrsa Baradaran
J. Alton Hosch Associate Professor of Law
University of Georgia School of Law

Christine Bartholomew
Associate Professor of Law
Director of Law Journals
SUNY Buffalo School of Law

Debra Lyn Bassett
John J. Schumacher Chair in Law
Southwestern Law School

Steven W. Bender
Professor and Associate Dean for Research and Faculty Development
Seattle University School of Law

Debra Berman
Director
Frank Evans Center for Conflict Resolution
South Texas College of Law

Anya Bernstein
Associate Professor
SUNY Buffalo Law School

Ethan Bernstein
Assistant Professor
Harvard Business School

Arthur Best
Professor of Law
University of Denver, Sturm College of Law

Brian H. Bix
Frederick W. Thomas Professor of Law and Philosophy
University of Minnesota

Beryl Blaustone
Director, Mediation Clinic, and Professor of Law
City University of New York School of Law

Susan Block-Lieb
Cooper Family Professor in Urban Legal Issues
Fordham Law School

Amelia H. Boss
Trustee Professor of Law
Thomas R. Kline School of Law
Drexel University

Andrea J. Boyack
Professor of Law
Co-Director of Business & Transactional Law Center
Washburn University School of Law

Ray Brescia
Associate Professor of Law and Director of the Government Law Center
Albany Law School

Kara J. Bruce
Associate Professor
University of Toledo College of Law

Barbara K. Bucholtz
Professor of Law
The University of Tulsa College of Law

Mark E. Budnitz
Professor of Law Emeritus
Georgia State University College of Law

Paul D. Carrington
Chadwick Professor of Law Emeritus
Duke University

Brian S. Clarke
Associate Professor of Law
Charlotte School of Law

Charles W. Crumpton
Adjunct Professor
Hawai'i Pacific University and University of Hawai'i Shidler School of Business

Andrea A. Curcio
Professor of Law
Georgia State University College of Law

Stanton G. Darling II
Professor Emeritus of Law
Capital University Law School

Bob Dauber
Charles M. Brewer Professor of Trial Advocacy and
Clinical Professor
Sandra Day O'Connor College of Law, Arizona State University

Benjamin G. Davis
Professor of Law
University of Toledo College of Law

Richard Daynard
University Distinguished Professor of Law
Northeastern University

Ellen E. Deason
Joanne Wharton Murphy/Classes of 1965 and 1973 Professor in Law
The Ohio State University Moritz College of Law

Myanna Dellinger
Associate Professor of Law
University of South Dakota School of Law

A. Mechele Dickerson
Professor
University of Texas School of Law

W. David East
Professor of Law and Director of the Transactional Practice Center
South Texas College of Law/Houston

Linda H. Edwards
E. L. Cord Foundation Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Robin Effron
Professor of Law
Co-Director, Dennis J. Block Center for the Study of International Business Law
Brooklyn Law School

Kathleen C. Engel
Research Professor
Suffolk University Law School

Peter D. Enrich
Professor of Law
Northeastern University School of Law

James J. Fishman
Professor Emeritus of Law
Elisabeth Haub School of Law, Pace University

Anne Fleming
Associate Professor of Law
Georgetown University Law Center

Natalie C. Fleury
Program Coordinator for Dispute Resolution
Adjunct Professor of Law
Marquette University Law School

Michael Flynn
Professor of Law
Nova Southeastern University College of Law

Pamela Foohey
Associate Professor of Law
Indiana University Maurer School of Law

Stuart Ford
Associate Professor
The John Marshall Law School

Kenneth H. Fox
Professor and Director, Conflict Studies
Hamline University

Richard H. Frankel
Associate Professor of Law
Director, Appellate Litigation Clinic
Thomas R. Kline School of Law, Drexel University

Eric H. Franklin
Associate Professor of Law
Director, Small Business and Nonprofit Legal Clinic
University of Nevada, Las Vegas, William S. Boyd School of Law

Richard D. Freer
Robert Howell Hall Professor of Law
Emory University

Bruce W. Frier
Professor
University of Michigan Law School

Ruben J. Garcia
Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Larry T. Garvin
Lawrence D. Stanley Professor
Michael E. Moritz College of Law
The Ohio State University

Andrew I. Gavil
Professor of Law
Howard University School of Law

John L. Gedid
Professor Emeritus
Widener Commonwealth Law School

Lise Gelernter
Teaching Faculty
University at Buffalo School of Law

Harry S. Gerla
Professor Emeritus
University of Dayton
School of Law

Myriam Gilles
Professor of Law
Benjamin N. Cardozo School of Law

Erik J. Girvan
Assistant Professor
Faculty Co-Director, Conflict & Dispute Resolution
Master's Degree Program
University of Oregon School of Law

Joseph W. Glannon
Professor
Suffolk University Law School

J. Maria Glover
Associate Professor of Law
Georgetown University Law Center

Dwight Golann
Professor of Law
Director, Center for Representation in Dispute Resolution
Suffolk University Law School

Ann L. Goldweber
Professor of Clinical Education
Director of Clinical Education
Director of Consumer Justice for the Elderly: Litigation Clinic
St. John's University School of Law

John Greabe
Professor of Law
University of New Hampshire School of Law

Michael Z. Green
Professor of Law
Texas A&M School of Law

Elayne E. Greenberg
Assistant Dean for Dispute Resolution Programs
Professor of Legal Practice
Director Hugh L. Carey Center
St. John's University School of Law

Sara Sternberg Greene
Associate Professor of Law
Duke Law School

Michael M. Greenfield
George Alexander Madill Professor of Contracts and Commercial Law
Washington University in St. Louis

Jill I. Gross
Professor of Law
Elisabeth Haub School of Law, Pace University

Jennifer A. Gundlach
Senior Associate Dean for Experiential Education & Clinical Professor of Law
The Maurice A. Deane School of Law at Hofstra University

Frederick M. Hart
Professor of Law Emeritus
University of New Mexico School of Law

Timothy Hedeem
Professor of Conflict Management
Kennesaw State University

Deborah R. Hensler
Judge John W. Ford Professor of Dispute Resolution
Stanford Law School

Helen Hershkoff
Herbert M. and Svetlana Wachtell Professor of Constitutional Law and Civil Liberties
New York University School of Law

Cynthia Ho
Professor of Law
Loyola University of Chicago School of Law

Lonny Hoffman
Law Foundation Professor of Law
University of Houston Law Center

James R. Holbrook
Clinical Professor of Law
University of Utah, S.J. Quinney College of Law.

David Horton
Professor of Law
University of California, Davis, School of Law (King Hall)

Marina Hsieh
Senior Fellow
Santa Clara University School of Law

Jonathan M. Hyman
Professor of Law & Alfred C. Clapp Public Service Scholar Emeritus
Rutgers Law School

Becky L. Jacobs
Professor
University of Tennessee College of Law

Michael C. James
Associate Professor
Thurgood Marshall School of Law, Texas Southern University

Edward Janger
David M. Barse Professor
Brooklyn Law School and
Visiting Professor
Yale Law School (Spring 2017)

Dalié Jiménez
Associate Professor of Law and Jeremy Bentham Scholar
University of Connecticut School of Law

Creola Johnson
President's Club Professor of Law
The Ohio State University
Moritz College of Law

Kristin Kalsem
Charles Hartsock Professor of Law
Co-Director, Center for Race, Gender, and Social Justice
University of Cincinnati College of Law

Vikram Kapoor
Adjunct Professor
Howard University School of Law

Amy Kastely
Professor of Law
St. Mary's University School of Law

Avery W. Katz
Vice Dean and Milton Handler Professor of Law
Columbia Law School

Michael J. Kaufman
Associate Dean for Academic Affairs, Professor of Law
Loyola University Chicago School of Law

Nancy Kim
ProFlowers Distinguished Professor of Internet Studies and
Professor of Law
California Western School of Law

Paul F. Kirgis
Dean & Professor of Law
Alexander Blewett III School of Law
University of Montana

Charles L. Knapp
Emeritus Joseph W. Cotchett Distinguished Professor of Law
U.C. Hastings College of the Law

Marjorie E. Kornhauser
Professor of Law
Tulane University Law School

George W. Kuney
Lindsay Young Distinguished Professor of Law and
Director, Clayton Center for Entrepreneurial Law
The University of Tennessee College of Law

John Lande
Isidor Loeb Professor Emeritus
Senior Fellow, Center for the Study of Dispute Resolution
University of Missouri School of Law

Homer C. La Rue
Professor of Law
Howard University School of Law

Robert M. Lawless
Max L. Rowe Professor of Law
Co-director, Program on Law, Behavior & Social Science
University of Illinois College of Law

Anne Lawton
Professor
Michigan State University College of Law

James Levin
Co-Director for the Center for Intellectual Property & Entrepreneurship and
Associate Director for the Center of Dispute Resolution
University of Missouri School of Law

David Levine
Professor of Law
UC Hastings College of the Law

Ariana R. Levinson
Associate Professor
University of Louisville Brandeis School of Law

Angela Littwin
Professor
University of Texas School of Law

Stephen Loffredo
Professor of Law
City University of New York School of Law

David Luban
University Professor and Professor of Law and Philosophy
Georgetown University Law Center

Dennis O. Lynch
Dean Emeritus and Professor Emeritus
University of Miami School of Law

Gerald G. MacDonald
Professor of Law
Western Michigan University Cooley Law School
Tampa Bay Campus

Kerry Macintosh
Professor
Santa Clara University School of Law

Thomas O. Main
William S. Boyd Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Martin H. Malin
Professor of Law and
Director Institute for Law and the Workplace
Chicago-Kent College of Law
Illinois Institute of Technology

Ann Marie Marciarille
Associate Professor of Law
University of Missouri – Kansas City School of Law

Professor Nathalie Martin
Frederick M. Hart Chair in Consumer and Clinical Law
University of New Mexico School of Law

Scott Maurer
Associate Clinical Professor of Law
Katharine & George Alexander Community Law Center
Santa Clara Law

Gary Maveal
Professor of Law
University of Detroit Mercy School of Law

Bobbi McAdoo
Senior Fellow, Dispute Resolution Institute, and Professor Emerita
Mitchell Hamline School of Law

Patricia A. McCoy
Professor of Law
Boston College Law School

Denis F. McLaughlin
Professor of Law and William E. Garland Fellow
Seton Hall University School of Law

Paul A. Meggett
Associate Professor of Law
Charlotte School of Law

Carrie Menkel-Meadow
Chancellor's Professor of Law and Political Science
University of California, Irvine

Mitch
Associate Clinical Professor
Director, Neighborhood Law Clinic
University of Wisconsin Law School

Michael Moffitt
Dean
Philip H. Knight Chair in Law
University of Oregon School of Law

Margaret L. Moses
Professor of Law
Loyola University Chicago

Greg Munro
Professor
Alexander Blewett III School of Law
University of Montana

Mary Nagel
Assistant Professor
The John Marshall Law School

James P. Nehf
Professor of Law and Cleon H. Foust Fellow
Indiana University Robert H. McKinney School of Law

Richard K. Neumann Jr.
Maurice A. Deane School of Law
Hofstra University

Gary Neustadter
Professor of Law
Santa Clara University School of Law

Lydia Nussbaum
Associate Professor and Associate Director, Saltman Center for Conflict Resolution
Director, Mediation Clinic
University of Nevada, Las Vegas, William S. Boyd School of Law

Michelle Oberman
Professor of Law
Santa Clara University School of Law.

Kelly Browe Olson
Director of Clinical Programs and Associate Professor
University of Arkansas at Little Rock
Bowen School of Law

Sarah J. Orr
Clinical Associate Professor
Director, Consumer Law Litigation Clinic
University of Wisconsin Law School

Kate O'Neill
Professor
University of Washington School of Law

David B. Oppenheimer
Clinical Professor of Law
Berkeley Law

Andrew M. Pardieck
Assistant Professor of Law
Southern Illinois University School of Law

Jeffrey A. Parness
Professor Emeritus
Northern Illinois University College of Law

James Pielemeier
Emeritus Professor of Law
Hamline University (now Mitchell Hamline) School of Law

Terrill Pollman
Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Katherine Porter
Professor
University of California Irvine School of Law

Jeanne Frazier Price
Associate Dean for Academic Affairs
Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Dee Pridgen
Carl M. Williams Professor of Law & Social Responsibility
University of Wyoming, College of Law

Harry G. Prince
Professor of Law
Hastings College of the Law

Victor D. Quintanilla
Fellow, Center for Advanced Study in the Behavioral Sciences, Stanford University
Associate Professor, Indiana University Maurer School of Law
Adjunct Professor, Indiana University Department of Psychological and Brain Sciences

Margaret Jane Radin
Distinguished Research Fellow, University of Toronto Faculty of Law
Henry King Ransom Professor, Emerita, University of Michigan Law School
Wm. Benjamin Scott & Luna M. Scott Professor, Emerita, Stanford Law School

Karena Rahall
Executive Director
Court Square Law Project
City University of New York School of Law

Todd Rakoff
Byrne Professor of Administrative Law
Harvard Law School

D. Theodore Rave
Assistant Professor of Law
University of Houston Law Center

David Reiss
Professor of Law
Academic Program Director, Center for Urban Business Entrepreneurship (CUBE)
Brooklyn Law School

Cassandra Burke Robertson
Professor of Law and Laura B. Chisolm Distinguished Research Scholar
Director, Center for Professional Ethics
Case Western Reserve University School of Law

Mark D. Rosen
Professor
Chicago-Kent College of Law

Robert Eli Rosen
Professor
School of Law, University of Miami

Thomas D. Rowe, Jr.
Elvin R. Latty Professor Emeritus
Duke University School of Law

Keith A. Rowley
William S. Boyd Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

John E. Rumel
Associate Professor
University of Idaho College of Law

Margaret M. Russell
Professor
Santa Clara University School of Law

Rebecca L. Scharf
Associate Professor
University of Nevada, Las Vegas, William S. Boyd School of Law

Andrea Kupfer Schneider
Professor and Director, Dispute Resolution Program
Marquette University Law School

Elizabeth M. Schneider
Rose L. Hoffer Professor of Law
Brooklyn Law School

Philip G. Schrag
Delaney Family Professor of Public Interest Law
Georgetown University

Joanna C. Schwartz
Professor of Law
UCLA School of Law

Sean M. Scott
Senior Associate Dean and Professor of Law
Loyola Law School

Sudha Setty
Professor of Law and Associate Dean for Faculty Development & Intellectual Life
Western New England University School of Law

Bijal Shah
Associate Professor
Arizona State University
Sandra Day O'Connor College of Law

David L. Shapiro
Cromwell Professor of Law, Emeritus
Harvard Law School

Joan M. Shaughnessy
Roger D. Groot Professor of Law
Washington and Lee University School of Law

Norman I. Silber
Professor of Law, Maurice A. Deane School of Law, Hofstra University
Senior Research Scholar, Yale Law School

Marjorie A. Silver
Professor of Law
Touro Law Center

Joshua M. Silverstein
Professor of Law
University of Arkansas at Little Rock
William H. Bowen School of Law

Linda Simard
Professor of Law
Suffolk University Law School

Jen Smith
Associate Professor of Law
Florida A&M University College of Law

Neil L. Sobol
Associate Professor
Director of Legal Analysis, Research & Writing
Texas A&M University School of Law

Jeff Sovern
Professor of Law
St. John's University School of Law

Mark Spiegel
Professor of Law
Boston College Law School

E. Gary Spitko
Professor of Law
Santa Clara University

James H. Stark
Roger Williams Professor of Law
U. Connecticut School of Law

Mark E. Steiner
Godwin PC Research Professor and Professor of Law
South Texas College of Law/Houston

Joan Steinman
Distinguished Professor of Law
Chicago-Kent College of Law, Illinois Institute of Technology

Jeffrey W. Stempel
Doris S. & Theodore B. Lee Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Jean R. Sternlight
Director Saltman Center for Conflict Resolution and Saltman Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law

Thomas J. Stipanowich
William H. Webster Chair in Dispute Resolution
Professor of Law and Academic Director, Straus Institute for Dispute Resolution
Pepperdine University School of Law

Imre Stephen Szalai
Judge John D. Wessel Distinguished Professor of Social Justice
Loyola University New Orleans College of Law

Shauhin Talesh
Assistant Professor of Law & Director Law & Graduate Studies Program
University of California, Irvine School of Law

Jennifer Taub
Professor of Law
Vermont Law School

Elizabeth Thornburg
Richard R. Lee Endowed Professor of Law
Senior Associate Dean for Academic Affairs
Altshuler Distinguished Teaching Professor
SMU Dedman School of Law

Karen Tokarz
Nagel Professor and Director, Negotiation & Dispute Resolution Program
Washington University School of Law

Sarah Valentine
Professor of Law
City University of New York School of Law

Lea B. Vaughn
Professor of Law
University of Washington School of Law

Michael Vitiello
Distinguished Professor of Law
McGeorge School of Law, the University of the Pacific

David C. Vladeck
Professor
Georgetown Law Center

Joan Vogel
Professor of Law
Vermont Law School

Valorie K. Vojdik
Professor of Law
University of Tennessee College of Law

Michael Waggoner
Professor
University of Colorado Law School

Spencer Weber Waller
Professor and Director
Institute for Consumer Antitrust Studies
Loyola University Chicago School of Law

Rhonda Wasserman
Professor of Law
University of Pittsburgh School of Law

David Welkowitz
Professor of Law
Whittier Law School

Nancy A. Welsh
William Trickett Faculty Scholar and Professor of Law
The Pennsylvania State University
Dickinson School of Law

Jay L. Westbrook
Professor of Law
The University of Texas School of Law

Alan White
Professor of Law
City University of New York Law School

William C. Whitford
Emeritus Professor of Law
Wisconsin Law School

Jamison Wilcox
Professor Emeritus of Law
Quinnipiac University

Neil G. Williams
Associate Professor
Loyola University Chicago School of Law

Lauren E. Willis
Professor of Law and Rains Senior Research Fellow
Loyola Law School Los Angeles

Arthur E. Wilmarth, Jr.
Professor of Law
George Washington University Law School

Catherine Lee Wilson
Associate Professor of Law
University of Nebraska-Lincoln College of Law

Arthur Wolf
Professor
Western New England School of Law

William J. Woodward, Jr.
Senior Fellow, Santa Clara University School of Law
Professor Emeritus, Temple University

Eric Wright
Professor
Santa Clara University School of Law

Stephen C. Yeazell
David G. Price & Dallas P. Price Distinguished Professor of Law Emeritus
UCLA School of Law