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Professor of Law

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EDUCATION

LL.M., Temple University School of Law, Philadelphia, Pennsylvania, 1994

J.D., *Magna Cum Laude*, Univ. of Puerto Rico Law School, Rio Piedras, Puerto Rico, 1987
Rank 2/124; Assistant Editor, University of Puerto Rico Law Review; Editor in Chief, University of Puerto Rico Law Review Bulletin

B.A., Princeton University, Princeton, New Jersey, 1984

TEACHING EXPERIENCE

The University of Illinois at Chicago School of Law
(Formerly The John Marshall Law School)
Professor of Law, since 2001
Associate Professor of Law with tenure, 1997-2001
Assistant Professor of Law, 1992-1997

University of Lucerne School of Law
Visiting Professor, Transnational Legal Studies Program, Fall 2011

University of Puerto Rico Law School
Visiting Professor for Accelerated Course, Spring 2009
Visiting Professor for Accelerated Course, Fall 2007
Visiting Professor, 2001-2002
Visiting Professor, Summer 1997

Temple University School of Law
Graduate Fellow in Legal Education and Lecturer in Law, 1990-1992

OTHER PROFESSIONAL EXPERIENCE

Rivera-Cestero & Marchand-Quintero, San Juan, Puerto Rico, January 1990-August 1990
Litigation practice involving mass media law, libel, defamation, freedom of expression and freedom of the press

Law Offices of Francisco M. Troncoso, San Juan, Puerto Rico, August 1988-December 1989
Practice in mass disaster and personal injury litigation

Supreme Court of Puerto Rico, San Juan, Puerto Rico, September 1987-August 1988
Judicial Law Clerk, Justice Federico Hernández-Denton

SCHOLARLY PUBLICATIONS

Articles in English

Teaching at the Intersection of Torts, Race and Gender, 41 Quinnipiac Law Review 1 (2022)

Guarding the Guardians: Should Guardians ad Litem Be Immune From Liability For Negligence?, 51 Loy. U. Chi. L.J. 1001 (2020)

A Tale of Two Cases: The Supreme Court's Uneasy Position on the Proper Allocation of Authority to Decide Whether to Concede a Client's Guilt in a Criminal Case, 43 Journal of the Legal Profession 53 (2018)

Attorney-Client Matchmaking and For-Profit Referral Services: 21st Century Innovation Clashes with 20th Century Rules, 25 The Professional Lawyer 8 (2018)

Do Colleges and Universities Have a Duty to Help?: California and Massachusetts Lead the Way, N.E. U. L. Rev. Extra Legal (Winter 2019)

Ahead of his time: Cardozo and the Current Debates on Professional Responsibility, 34 Touro Law Review 101 (2018)

Justice Gap vs. Core Values: The Common Themes in the Innovation Debate, 41 The Journal of the Legal Profession 1 (2016)

Through the Looking Glass in Indiana: Mandatory Reporting of Child Abuse and the Duty of Confidentiality, 92 Notre Dame L. Rev. Online 22 (2016)

Avvo Joins the Legal Market; Should Lawyers Be Concerned?, 104 Georgetown L. J. Online 184 (2016)

Do Black Lives Matter? Race as a measure of injury in tort law, 18 The Scholar: St. Mary's Law Review on Race and Social Justice 41 (2016)

Civil Liability for Injuries Caused by Dogs after *Tracey v. Solesky*: New Path to the Future or Back to the Past?, 40 Seton Hall Legislative Law Journal 29 (2016)

Setting Parental Controls: Do Parents Have A Duty To Supervise Their Children's Use Of The Internet?, 31 Journal of Information Technology & Privacy Law 309 (2014)

Waiving Goodbye to a Fundamental Right: Allocation of Authority Between Attorneys and Clients and the Right to a Public Trial, 38 J. of the Legal Profession 1 (2013)

A Good Step in the Right Direction: Illinois Eliminates the Conflict Between Attorneys and Guardians, 38 J. of the Legal Profession 161 (2013)

Giving Credit Where Credit is Due: A Comment on the Theoretical Foundation and Historical Origin of the Tort Remedy for Invasion of Privacy, 29 John Marshall J. of Comp. & Info. Law 493 (2012)

The Right to Counsel Denied: Confusing the Roles of Lawyers and Guardians, 43 Loy. U. Chi. L.J. 833 (2012)

Recent Developments in the Law of Lawyering: The New Illinois Rules of Professional Conduct, 42 Loy. U. Chi. L.J. 391 (2011)

Coming Soon to a Law Practice Near You: The New (and Improved?) Illinois Rules of Professional Conduct, 39 Loy. U. Chi. L.J. 691 (2008)

Silence is Golden: The New Illinois Rules on Attorney Extrajudicial Speech, 33 Loy. U. Chi. L.J. 323 (2002), *reprinted in Devine, Fisch, Easton & Aronson, PROFESSIONAL RESPONSIBILITY: PROBLEMS, CASES, AND MATERIALS (3d ed. 2004)*

Another Attempt to Solve the Prior Restraint Mystery: Applying the *Nebraska Press* Standard to Media Disclosure of Attorney-Client Communications, 18 Cardozo Arts & Ent. L.J. 307 (2000)

Government Advertising Placement and the First Amendment: Freedom of the Press Outweighs the Rights of the Government as Contractor, 22 *Comm. & The Law* 1 (2000)

Freedom of the Press and the Business of Journalism: The Myth of Democratic Competition in the Marketplace of Ideas, 67 *Rev. Jur. UPR* 447 (1998)

Prior Restraints on the Media and the Right to a Fair Trial: A Proposal for a New Standard, 84 *Kentucky L. J.* 259 (1995-96)

Tomorrow's Law Schools: Globalization and Legal Education, 32 *San Diego L. Rev.* 137 (1995)

To Dream the Impossible Dream: Globalization and Harmonization of Environmental Laws, 20 *North Carolina J. Of Int'l Law and Commercial Regulation* 205 (1995)

Articles in Spanish

En Defensa de los Daños Punitivos [In Defense of Punitive Damages], In *Rev.* (October 6, 2022)

El profesionalismo y los retos futuros a la profesión legal [Professionalism and the future challenges for the legal profession], 16 *Revista Jurídica de la Academia Puertorriqueña de Jurisprudencia y Legislación* (2020)

Comentarios sobre la propuesta revisión del Código Civil: Responsabilidad Civil Extracontractual [Comments on the Proposed Revision of the Torts Sections of the Civil Code], 88 *Rev. Jur. UPR* 342 (2019)

Crítica a una resolución anunciada: Reglamentación del procedimiento disciplinario y la defensa de prescripción [A Critique of the use of a Statute of Limitations in the Disciplinary Process], 85 *Rev. Jur. Dig. UPR* 16 (2016)

Debates recientes sobre la reglamentación de la conducta profesional [Recent Debates on the Regulation of the Legal Profession], 84 *Rev. Jur. UPR* 955 (2015)

Introducción a una discusión sobre el futuro de la reglamentación de la profesión en Puerto Rico [Introduction to a Debate on the Future of the Regulation of the Legal Profession], 84 *Rev. Jur. UPR* 947 (2015)

Apuntes sobre *Aponte* y la necesidad de actualizar el Código de Ética Profesional [Notes on *Aponte* and the Need to Adopt a New Ethics Code], 84 Rev. Jur. UPR 49 (2014)

La tradición jurídica puertorriqueña: ¿civil o anglosajona? [The Puerto Rican Law Tradition: Civil or Anglo-Saxon?], 83 Rev. Jur. Dig. UPR 182 (2014)

Colón Santos v. Cooperativa de Seguros Múltiples y el aparente conflicto entre las doctrinas de la solidaridad y la inmunidad [*Colón Santos v. Cooperativa de Seguros Múltiples* and the Apparent Conflict Between the Joint and Several Liability and Immunity Doctrines], 79 Rev. Jur. UPR 1091 (2010)

En defensa de la solidaridad: Comentarios sobre la propuesta eliminación de la responsabilidad solidaria en la relación extracontractual [In Defense of Solidarity: Comments to the Proposal to Abandon Joint and Several Liability], with José Julián Álvarez González, 78 Rev. Jur. UPR 745 (2009)

Comentarios sobre la profesión y el profesionalismo [Comments on the Profession and Professionalism], 69 Rev. Jur. Col. Abog. P.R. 359 (2008)

Comentarios a una propuesta anunciada: El derecho civil extracontractual y el borrador de la Comisión de Revisión del Código Civil [Tort Law and the Proposed Revision of the Civil Code], 40 Rev. Jur. Univ. Inter. P.R. 529 (2006)

Castigo por conducta antisocial extracontractual en Puerto Rico: Es hora de adoptar el concepto de los daños punitivos [Punishment for Antisocial Behavior: It is Time to Recognize Punitive Damages], 40 Rev. Jur. Univ. Inter. P.R. 225 (2006)

Revisión del Código Civil y la responsabilidad civil extracontractual (Parte II): Una propuesta alterna al informe de la Comisión de Revisión [The Proposed Revision of the Civil Code and Tort Law (Part II): An Alternative Proposal], 74 Rev. Jur. UPR 1 (2005)

La revisión del Código Civil y la responsabilidad civil extracontractual: ¿Contradicción en los términos? [The Proposed Revision of the Civil Code and Tort Law: A Contradiction in Terms?], 73 Rev. Jur. UPR 981 (2004)

¡Hasta la vista, baby!: Es hora de decir adiós a la ley de libelo y calumnia de 1902 [Hasta La Vista, Baby: It is Time to Say Goodbye to the Libel Law of 1902], 73 Rev. Jur. UPR 59 (2004)

Los Procedimientos de Divorcio y el Derecho de Acceso a los Tribunales: La Constitucionalidad de la Regla 62.2 de Procedimiento Civil [Divorce Proceedings and the Right to Access to Courts: The Constitutionality of Civil Procedure Rule 62.2], 72 Rev. Jur. UPR 163 (2003)

Que Descanse en Paz: La Causa de Acción por Difamación de Personas Fallecidas [May it Rest in Peace: Causes of Action for Defamatory Comments on the Dead], 70 Rev. Jur. UPR 917 (2001)

Perdón si es que te he faltado: retractaciones en casos de difamación [Retractions and the Law of Defamation], 68 Rev. Jur. UPR 635 (1999)

Prueba de referencia, el derecho a confrontación y el abuso sexual de menores: Algunas consideraciones constitucionales [Hearsay and the Right to Confront and Accuser in Sexual Abuse of Minors Cases], 56 Rev. Jur. UPR 373 (1987)

COLUMNS, MAGAZINE ARTICLES AND OTHER PUBLICATIONS

In English

Is it Ethical for an Attorney to Record Phone Conversations?, The UIC John Marshall Law School Law Review Forum (September 19, 2019)

Mandatory Reporting of Child Abuse and the Duty of Confidentiality, @Law, The Magazine of the Association of Legal Professionals (Spring 2018)

Should Attorneys be Concerned About Avvo's Legal Services? – An Update, @Law, The Magazine of the Association of Legal Professionals (Winter 2017)

Injured Spectator vs The Chicago Cubs; Will This Be the Case That Establishes a New Rule?, J. Marshall L. Rev. Forum (October 16, 2017)

Should Attorneys Be Concerned About Avvo's Legal Services?, @Law, The Magazine of the Association of Legal Professionals (Summer 2017)

Ethical Issues Related to Flat Fees, @Law, The Magazine of the Association of Legal Professionals (Spring 2017)

Flat Fees: Earned, Unearned or Both?, Ohio Lawyer, Vol. 30, No. 4, page 14 (July/August 2016)

Is it ethical to use “crowdfunding” to finance the practice of law?, @Law, The Magazine of the Association of Legal Professionals (Summer 2016)

My Cousin Vinny and the Future of Legal Education, The NALS Docket, (Spring 2016)

Puerto Rico considers adopting new Code of Ethics, AALS Section of Professional Responsibility Newsletter (May 2015)

Cloudy with a chance of ethical problems: Cloud computing and the practice of law, @Law, The Magazine of the Association of Legal Professionals (Winter 2014-15)

Do the rules of professional conduct apply to non-lawyer professionals?, @Law, The Magazine of the Association of Legal Professionals (Fall 2014)

Lawyers Guardians: A Conflict of Interest, AALS Section of Professional Responsibility Newsletter (November 2013)

Confusing the Roles of Lawyers and Guardians: A System of Juvenile Injustice, @Law, The Magazine of the Association of Legal Professionals, (Winter 2013-14)

Play Ball!...and Change the Approach to Baseball Torts, TortsProf Blog (March 29, 2013)

Abnormal Interviews: Law Professor Alberto Bernabe, Abnormal Use Blog, (November 3, 2010)

Legal Education in the United States: The More Things Change, The More They Stay the Same, 3(1) Barco de Papel 15 (2005)

Attorney-Client Relationship in American Legal Ethics, Conference Papers on Professional Ethics, Acta Universitatis Brunensis 47 (1996)

Some Thoughts on Media Ethics, Conference Papers on Professional Ethics, Acta Universitatis Brunensis 111 (1996)

In Spanish

Los problemas en cuanto al derecho civil extracontractual en el nuevo Código Civil [The problems with the chapter on torts in the new Puerto Rico Civil Code], *Microjuris*, May 23, 2020

Alternativa a la propuesta revisión del Código Civil en cuanto al derecho civil extracontractual [An alternative proposal to the revision of the Puerto Rico Civil Code as it relates to Torts], *Microjuris*, June 10, 2019

El derecho civil extracontractual en la propuesta revisión del Código Civil de Puerto Rico [Torts and the proposed revision of the Puerto Rico Civil Code], *Microjuris*, May 6, 2019

Los perros pitbull y la propuesta revisión del Código Civil [Pitbull dogs and the proposed revision of the Civil Code], *Microjuris*, August 17, 2018

Quílez Velar v. Ox Bodies, Inc: Oportunidad perdida para corregir la doctrina de la solidaridad en casos de inmunidad [*Quílez Velar v. Ox Bodies, Inc.*: A Missed Opportunity to Fix the Joint and Several Liability Doctrine in Cases of Immunity], *Microjuris*, January 16, 2018

La falta de lógica del nuevo término prescriptivo para acciones disciplinarias [The Lack of Logic of the New Statute of Limitations for Disciplinary Actions], *Microjuris*, May 19, 2016

Comentarios sobre la profesión y el profesionalismo [Comments on the profession and the concept of professionalism], *Ley y Foro*, No. 2, 2009, p. 1

Responsabilidad civil extracontractual y el borrador de la Comisión de Revisión del Código Civil [Tort law and the new draft of the Civil Code of Puerto Rico], *Ley y Foro*, No. 2, 2007, p. 4

Profesión, una entrevista [The Profession: An Interview], *Ley y Foro*, No. 2, 2007, p. 1

Observaciones sobre la educación jurídica en la Universidad de Puerto Rico [Some thoughts on legal education at the University of Puerto Rico], *Acción de Clase*, Dec. 2001, p. 7

Libertad de prensa y divorcio [Freedom of the press and divorce law], *El Nuevo Día*, August 10, 2001

PRESENTATIONS AND PUBLIC SERVICE ACTIVITIES

Commentator/Reviewer, Junior Scholars Works in Progress Summer Series, AALS Section on Professional Responsibility, June 29, 2022; Reviewed Jennifer Brobst's article *The Intersection of Citizen Enforcement and Professional Responsibility*

Speaker, The Great debates: revisiting recent listserv topics, Association of Professional Responsibility Lawyers Mid-year meeting, March 6, 2021

Speaker, Bright Ideas and Best Practices for Online Teaching in Professional Responsibility Courses, AALS Annual Meeting, January 5, 2021

Speaker, Recent Developments in Professional Responsibility in the United States, Second Conference on Judicial and Professional Ethics, University of Puerto Rico Law School, December 4, 2020

Speaker, Tort Law Through an Intersectional Lens, National Lawyers Guild University of Michigan, October 28, 2020

Speaker, Excellence in Teaching Professional Responsibility Online, Program for the Advancement of Legal Ethics at Texas A&M University School of Law, August 4, 2020

Speaker, The Common Law System, Facultad de Ciencias Jurídicas y Sociales de la Universidad Nacional del Litoral, Santa Fe, Argentina, October 22, 2018

Speaker, Online Attorney Client Matchmaking and For-Profit Referral Services: 21st Century Innovation Clashes with 20th Century Rules, ABA National Conference on Professional Responsibility, May 31, 2018

Moderator, Innovation and the Practice of Law, VII International Legal Ethics Conference, Fordham University Law School, New York, July 2016

Moderator, Discrimination and the Practice of Law, VII International Legal Ethics Conference, Fordham University Law School, New York, July 2016

Speaker, "Innovation" and the Future of Legal Services, CLE program on Recent Developments in the Law of Professional Responsibility, McAndrews, Held and Malloy, August 13, 2015

Speaker, Current Debates Regarding the Regulation of the Legal Profession, Conference on Judicial and Professional Ethics, University of Puerto Rico Law School, Rio Piedras, Puerto Rico, March 2015

Moderator, Panel on the proposed new Code of Ethics in Puerto Rico, Conference on Judicial and Professional Ethics, University of Puerto Rico Law School, Rio Piedras, Puerto Rico, March 2015

Speaker, VI International Legal Ethics Conference, London, England, July 2014

Speaker, CLE program on Ethical Issues related to Cloud Computing, American Immigration Lawyers Association, June 2, 2014

Speaker, CLE program on Recent Developments in the law of Professional Responsibility, McAndrews, Held and Malloy, April 17, 2014

Speaker and Moderator, ABA Center for Professional Development CLE Program Dangerous Dogs: Regulation, Civil Litigation and Criminal Prosecution, July 2013

Speaker, Belle and Joseph Braun Symposium, The John Marshall Law School, September 2012

Speaker, The Right to Counsel Ignored: Confusing the Roles of Lawyers and Guardians in Juvenile Delinquency Proceedings, The Law and Society Association Annual Meeting, June 2012

Speaker, CLE program on the Duty of Confidentiality, McAndrews, Held and Malloy, October 27, 2011

Speaker, CLE program on the New Rules of Professional Conduct in Illinois, McAndrews, Held and Malloy, June 8, 2010

Visiting Editor in Chief, The Puerto Rico Bar Association Law Review, 2007-2008

Speaker, CLE program on Metadata and the Ethical Implications of Exchange of Digital Documents, McAndrews, Held and Malloy, November 29, 2007

Speaker, CLE program on the Proposed New Rules of Professional Conduct in Illinois, McAndrews, Held and Malloy, November 8, 2007

Speaker, Conference on Gun Violence Torts, University of Puerto Rico Law School, October 10, 2007

Speaker, Conference on the Proposed Revision of the Puerto Rico Civil Code, University of Puerto Rico Law School, October 2005

Speaker, Career Day Program, Morton West High School, Berwyn, IL, November, 2004

Speaker, Annual Meeting of the Research Committee for Sociology of Law, International Sociological Association, San Juan, Puerto Rico, August 2004

Speaker, First Congress on Access to Justice, San Juan, Puerto Rico, May 2002

Speaker on Legal Education, High Schools' Law Day, University of Puerto Rico, Spring 2002

Speaker on Access to Judicial Proceedings and the First Amendment on Radio Show sponsored by the Puerto Rico Journalists' Association, Fall 2001

Speaker and Moderator, Media Law Conference, The John Marshall Law School, November 2000

Hispanic National Bar Association *Amicus Curiae* Committee, 1999-2000

Pro-bono counsel to the Overseas Press Club of Puerto Rico, 1998

Speaker, The Constitutional Rights Foundation, Law in My Life Program; program for seventh and eighth grade students of the Sawyer School, Chicago, 1998 to 2001

Speaker and Moderator, Media Law Conference, The John Marshall Law School, November 1997

Speaker, Legal Ethics and Media Ethics, Conference on Professional Ethics, Faculty of Law, Masaryk University, Brno, Czech Republic, March 1996

Speaker on Recent Developments in Tort Law and Legal Ethics, CLE Program for American Attorneys Practicing in the Czech Republic, March 1996

Speaker, Globalization and Legal Education, Congress of Caribbean Legal Studies, San Juan, PR, April 1994

Speaker, Harmonization of Environmental Laws, Congress of Caribbean Legal Studies, San Juan, PR, April 1994

Speaker, History of American Legal Education for Faculty of Law, Masaryk University, Brno, Czech Republic, John Marshall Law School, Spring 1994

Speaker, Courts and the Media: Can Justice be Jeopardized?, Seminars for Scholars Program, Niles Township High Schools, December 1994

LAW SCHOOL ACTIVITIES

Faculty Legal Scholarship Award, The John Marshall Law School, June 2012

Team Coach, Kenneth Kandaras Intraschool Mock Trial Competition, 2008-2011

Moderator, Media Law Forum on Reporters' Privilege and Confidentiality of Sources, November 2005

Team Coach, Products Liability Moot Court Team, 1999-2003

Selected as "Professor of the Year" by students, 2000-2001

Judge for Herzog Moot Court Competition Finals, The John Marshall Law School, April 2001

Chair and speaker, Orientation for new students, 1998-2000

Chair of the John Marshall Centennial Movie Series Committee, 1998

Speaker on Examination Techniques for Faculty Colloquium, 1996

Speaker on Introduction to the Legal System and Legal Education, The John Marshall Law School Summer Pre-Law Institute, Summer 1994

Team Coach, LALSA Moot Court Team, 1993-1995

Judge, JMLS National Moot Court Competition in Information and Privacy Law, 1993-1995

Organizing Committee, The John Marshall Law School Media & the Law Conference, 1992-2000

PROFESSIONAL ORGANIZATIONS AND OTHER ACTIVITIES

American Bar Association's Center for Professional Responsibility

Association of American Law Schools, Section on Professional Responsibility

Puerto Rico Bar Association

Academia Puertorriqueña de Jurisprudencia y Legislación

BYS Wrestling Club

Assistant Coach, 2012-2013

Wauconda Jr. Lady Bulldogs Basketball

Assistant Coach, 2016-2018

Head Coach, 2018-2020