

Tom W. Bell

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Chapman University School of Law
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SUMMARY: Scholar, legal consultant, and practicing attorney. Entrepreneurial—has founded publications, pioneered research topics, and launched organizations ranging from a long-lived educational tax-exempt to a successful law school consulting business. Specializations include copyright and Internet law, business formation and governance, constitutional jurisprudence, and private governance. Creative, sociable, orderly, energetic. Thrives on fresh challenges.

ACADEMIC WORK EXPERIENCE

Chapman University School of Law: Professor (1998-present)

Courses: Contracts; Property; Torts; many various courses covering intellectual property and entertainment law, both domestic and international; Internet Law; Corporations; Agency, Partnership, & Unincorporated Business Organizations; Law and Economics

University of San Diego School of Law: Visiting Associate Professor (2000-01)

Courses: Intellectual Property; Internet Law; Contracts I

University of Dayton School of Law: Assistant Professor (1995-97)

Courses: Copyright and Trademark Law; International Intellectual Property; The Law of Cyberspace; Agency & Partnership

LEGAL & PUBLIC POLICY WORK EXPERIENCE

Consulting: Legal advisor on private governance industry projects in Central America, Europe, and Asia. Consultant and expert witness in high-tech and intellectual property law disputes. Discreet guidance on quantitative and statistical aspects of the *U.S. News and World Report* law school rankings to several schools, from bottom to top tier.

Cato Institute: Director of Telecommunications and Technology Studies, Washington, DC (1997-98). Analyzed public policy, met with press, supervised research of staff and outside scholars, managed conferences and public presentations, directed program.

Harkins Cunningham: Associate Attorney, Washington, DC (1994-95). Practiced administrative law and complex business litigation, with special emphasis on large, regulated infrastructure industries. Drafted legislation shutting down Interstate Commerce Commission and deregulating rail industry.

Wilson, Sonsini, Goodrich & Rosati: Associate Attorney, Palo Alto, CA (1993-94). Conducted intellectual property, general business, employment, and securities litigation in state and federal courts. Made court appearances, authored briefs and pleadings, met with clients and opposing counsel, and directed and conducted discovery.

BOOKS

YOUR NEXT GOVERNMENT? FROM THE NATION STATE TO STATELESS NATIONS (Cambridge University Press, 2017) (forthcoming)

INTELLECTUAL PRIVILEGE: COPYRIGHT, COMMON LAW, AND THE COMMON GOOD (Mercatus Center, 2014)

REGULATORS' REVENGE (Cato Institute, Tom W. Bell & Solveig Singleton, eds., 1998)

SELECT ACADEMIC ARTICLES

Special Economic Zones in the United States: From Colonial Charters, to Foreign-Trade Zones, Toward USSEZs, 64 BUFFALO L. REV. 959 (2016)

Unconstitutional Quartering, Governmental Immunity, and Van Halen's Brown M&M Test, 82 TENN. L. REV. 497 (2015) (invited)

Copyright Porn Trolls, Wasting Taxi Medallions, and the Propriety of "Property," 18 CHAPMAN L. REV. 799 (2015) (invited) (won Federalist Society's 2014 "Intellectual Property and Free Enterprise" competition)

What Can Corporations Teach Governments About Democratic Equality? 31:2 SOCIAL PHILOSOPHY & POLICY 230 (2015) (invited); *republished in*, EQUALITY AND PUBLIC POLICY 230 (Mark LeBar, Antony Davies, & David Schmidt, eds., Cambridge University Press, 2015)

The Constitution as if Consent Mattered, 16 CHAPMAN L. REV. 269 (2013) (invited)

Five Reforms for Copyright, in COPYRIGHT UNBALANCED: FROM INCENTIVE TO EXCESS 109 (Jerry Brito, ed., Mercatus Center 2012) (invited)

Principles of Contracts for Governing Services, 21 GRIFFITH L. REV. 472 (2012) (invited)

"Property" in the Constitution: The View from the Third Amendment, 20 WILLIAM & MARY BILL OF RIGHTS J. 1243 (2012) (invited)

Government Prediction Markets: Why, Who, and How, 116 PENN. ST. L. REV. 403 (2011)

Graduated Consent in Contract and Tort Law: Toward a Theory of Justification, 61 CASE WESTERN L. REV. 17 (2010)

Private Prediction Markets and the Law, 3 J. PREDICTION MARKETS 89 (2009) (invited)

Codifying Copyright's Misuse Defense, 2007 UTAH L. REV. 573 (2007) (invited)

Copyright as Intellectual ~~Property~~ Privilege, 58 SYRACUSE L. REV. 523 (2007) (invited)

Prediction Markets for Promoting the Progress of Science and the Useful Arts, 14 GEO. MASON L. REV. 37 (2006)

Misunderestimating Dastar: How the Supreme Court Unwittingly Revolutionized Copyright Preemption, 65 MARYLAND L. REV. 206 (2006)

Treason, Technology, and Freedom of Expression, 37 A.S.U. L. REV. 1 (2005)

Authors' Welfare: Copyright as a Statutory Mechanism for Redistributing Rights, 69 BROOKLYN L. REV. 229 (2003)

Free Speech, Strict Scrutiny, and Self-Help: How Technology Upgrades Constitutional Jurisprudence, 87 U. MINN. L. REV. 751 (2003)

Gambling for the Good, Trading for the Future: The Legality of Markets in Science Claims, 5 CHAPMAN L. REV. 159 (2002)

Indelicate Imbalancing in Copyright and Patent Law, in COPY FIGHTS: THE FUTURE OF INTELLECTUAL PROPERTY IN THE INFORMATION AGE at 1 (Thierer & Crews, eds 2002)

Escape from Copyright: Market Success vs. Statutory Failure in the Protection of Expressive Works, 69 U. CIN. L. REV. 741 (2001)

INTERNET PRIVACY AND SELF-REGULATION: LESSONS FROM THE PORN WARS (Cato Institute, Policy Briefing # 65, 2001)

The Common Law in Cyberspace, 97 MICH. L. REV. 1601 (1999) (review)

Internet Gambling: Popular, Inexorable, and (Eventually) Legal (Cato Institute, Policy Analysis # 336, 1999)

Fair Use vs. Fared Use: The Impact of Automated Rights Management on Copyright's Fair Use Doctrine, 76 N. CAROLINA L. REV. 557 (1998)

Virtual Trade Dress: A Very Real Problem, 56 U. MARYLAND L. REV. 382 (1997)

The Third Amendment: Forgotten But Not Gone, 2 WM. & MARY BILL OF RIGHTS J. 117 (1993)

CONGRESSIONAL TESTIMONY

Internet Gambling: Prohibition v. Legalization, Testimony Before the National Gambling Impact Study Commission, Chicago, IL (May 21, 1998)

REGULATORY PROCEEDINGS

Tom W. Bell, et al., *Joint Comment on CFTC Concept Release on the Appropriate Regulatory Treatment of Event Contracts*, July 6, 2008 (response to request for comments co-signed by 19 academics, professional traders, and laypeople)

SELECT POPULAR PUBLICATIONS

How We Will Outgrow Copyright, NATIONAL REVIEW, May 6, 2014, 4:00 a.m., at <http://www.nationalreview.com/article/377305/how-we-will-outgrow-copyright-tom-w-bell>

What is Polycentric Law? THE FREEMAN, February 26, 2014, pp. ___-___, http://www.fee.org/the_freeman/detail/what-is-polycentric-law

Want to Own a City? THE FREEMAN, August 14, 2013, at http://www.fee.org/the_freeman/detail/want-to-own-a-city

Startup City Redux Honduras: from RED to ZEDE to ... Freedom? THE FREEMAN, June 27, 2013, at http://www.fee.org/the_freeman/detail/startup-city-redux

Can We Correct Democracy? THE FREEMAN, June 4, 2013, at http://www.fee.org/the_freeman/detail/can-we-correct-democracy

For Safer Streets, Use Fairer Courts, THE FREEMAN, May 2, 2013, at http://www.fee.org/the_freeman/detail/for-safer-streets-use-fairer-courts

Fordlandia: Henry Ford's Amazon Dystopia, THE FREEMAN, February 19, 2013, at http://www.fee.org/the_freeman/detail/fordlandia-henry-fords-amazon-dystopia

No Exit: Are Honduran Free Cities DOA? THE FREEMAN, November 26, 2012, at http://www.fee.org/the_freeman/detail/no-exit-are-honduran-free-cities-doa

Cracking the Tax Code, CINCINNATI ENQUIRER, April 14, 2002; also ran as DAILY COMMENTARY, April 15, 2002 (Cato Institute)

All's Not Fair in Internet Tax Wars, L.A. DAILY JOURNAL, February 1, 2001, at 6

Gambler's Web, REASON, October, 1999, at 25

Polycentric Law in the New Millennium, 1st Prize, Mont Pelerin Society's Hayek Essay Contest, Presented at 50th Anniv. Meeting of the Society (September 4, 1998)

Internet Gambling: Impossible to Stop, Wrong to Outlaw, REGULATION Vol.21, No. 1, 1998, at 16

Digital Oral Culture, 4.06 WIRED 121 (1996)

Anonymous Speech, 3.10 WIRED 80 (1995)

Comment, *Limits on the Privity and Assignment of Legal Malpractice Claims*, 59 U. CHI. L. REV. 1533 (1992)

VIDEOS

Freedom of Speech: How is Offensive Speech Good for Society? LEARNLIBERTY, July 29, 2014, LEARNLIBERTY, April 4, 2011, <http://www.youtube.com/watch?v=aPICY2SXgn0> (wrote and performed)

Entrepreneur's Survival Guide to Trademarks, Patents, & More, UDEMY, launched November, 2014, at <https://www.udemy.com/entrepreneurs-survival-guide/> (wrote and performed 22 videos and many accompanying assessments in free MOOC)

"*Startup Cities, Honduras, and Experiments in Freedom*, REASONTV, August 5, 2013, <http://reason.com/reasontv/2013/08/05/startup-cities-honduras-and-experiments> (wrote and presented)

Can Order be Unplanned? LEARNLIBERTY, April 4, 2011, <http://www.youtube.com/watch?v=aPICY2SXgn0> (wrote and performed)

The Power of Property Rights, LEARNLIBERTY, March 3, 2011, <http://www.youtube.com/watch?v=jnjPFZV8Wqo> (wrote and performed)

The Rule of Law, LEARNLIBERTY, February 18, 2011, <http://www.youtube.com/watch?v=XAJVu9LK7WE> (wrote and performed)

SELECT INTERVIEWS, PRESENTATIONS, AND CONFERENCES

Special economic zones: Political priority, economic gamble, THE ECONOMIST, April 4, 2015 (data cited in print and online editions)
<http://www.economist.com/news/finance-and-economics/21647630-free-trade-zones-are-more-popular-everwith-politicians-if-not>

We Don't Need More Copyright - Tom W. Bell on Intellectual Property, REASONTV, July 17, 2014, <http://reason.com/reasontv/2014/07/17/professor-says-copyright-law-needs-to-st>

Copyright Reform, The 2013 Public Knowledge Policy Symposium, US Capitol Visitor Center, Washington, DC, February 26, 2013 (panel discussion)

Libertarian-But Not Originalist!-Constitutionalism, 2011 Federalist Society Faculty Division Annual Faculty Conference, January 7, 2011, San Francisco, California, available at <http://www.youtube.com/watch?v=c83ZTJIVvgA> (presentation)

Reliable Authority in the Digital Age, Federal Judicial Center Workshop for Judges of the Ninth Circuit, Huntington Beach, CA, January 26, 2008 (panel discussion)

Amir Efrati, *Law School Rankings Reviewed to Deter 'Gaming,'* WALL STREET JOURNAL, August 26, 2008, at A1 (research cited and discussed)

The Theory and Practice of Pedagogical Fun, AALS 2006 Mid-Year Meeting: Conference on New Ideas for Law School Teachers, Vancouver, BC, Canada, June 12, 2006

Software After Copyright? The Bay Area Law School Technology Conference, Stanford Law School, Stanford, California, April 9, 2005 (panel discussion)

How Private Alternatives to Copyright can Render It Unconstitutional, AALS 2004 Annual Meeting, Section on Constitutional Law, Atlanta, Georgia, Tuesday, January 6, 2004

Jim Giles, *Wanna Bet?* NATURE, November 28, 2002, at 354 (quoted)

Declan McCullagh, *Anti-Copy Bill Slams Coders*, WIRED NEWS, March 22, 2002 (quoted)

Drew Clark, *Software Freedom Fighters*, NAT'L JOURNAL, July 28, 2001, p. 2839 (quoted)

Theo Mullen, *A Haven For Net Lawbreakers?* INTERNETWEEK, June 19, 2000 (quoted)

Steve Frank, *Business Center*, CNBC, August 23, 1999 (televised recorded interview)

Jason L. Riley, *Will Uncle Sam Trump Internet Gamblers?* WALL STREET JOURNAL, May 14, 1999, at A14 (quoted)

Brad Knickerbocker, *For Many Teens, Gambling Starts at Home*, THE CHRISTIAN SCIENCE MONITOR, January 7, 1999, at 3 (quoted)

Wendy R. Leibowitz, *Senate Bans Most 'Net Gambling; Many Bet on Poor Enforcement*, THE NATIONAL LAW JOURNAL, August 10, 1998, at B6 (quoted)

Jube Shiver, *Cable TV Faces New Threat of Rate Controls*, LOS ANGELES TIMES, July 31, 1998 (quoted)

Editorial, *Freeing Up Cyberspace*, INVESTOR'S BUSINESS DAILY, June 17, 1998, A34 (quoted)

John Schwartz, *The Net Impact of the New Copyright Bill*, WASHINGTON POST, May 18, 1998, at F27 (quoted)

Moneyweek, CNN, March 15, 1998 (interviewed)

Paul Van Slambrouck, *High Tech Enters Awkward Teenhood*, THE CHRISTIAN SCIENCE MONITOR, January 7, 1998 (quoted)

John Hanchette, *Business Mergers Boom During 1997 but Experts Say Monopolies not Likely Outcome*, USA TODAY, December 11, 1997, at 5B (quoted)

Nightly Business Report, PBS, July 1, 1997 (interviewed)

All Things Considered: Report on Internet Crime, NPR, November 11, 1996 (interviewed)

EDUCATION**University of Chicago Law School**

Degree: J.D. (1993)
Activities: Staff Member, *University of Chicago Law Review*
Articles Editor (founding), *Univ. of Chicago Legal Roundtable*
Awards: Casper Platt Award for Most Outstanding Student Paper
Moral Obligation Scholarship
Claude R. Lambe Fellowship
Leonard P. Cassidy Fellowship
Humane Studies Foundation Summer Residential Fellowship

University of Southern California

Degree: M.A. in Philosophy (1989)
Awards: Humanities Dean's Graduate Fellowship

University of Kansas/Université de Nice, France

Degree: B.A. in Philosophy, with Honors (1987)
Activities: Co-editor, *Premise* (KU journal of philosophy)
Art Director, *Reflections of Study Abroad* (KU magazine)
Awards: Summerfield Scholarship
Chancellor's Club Scholarship
International Study Abroad Award (at L'Univ. de Nice)

SERVICE IN LAW SCHOOL AND UNIVERSITY GOVERNANCE

Present service includes: Chair, Curriculum Committee, Member, Promotion, Rank, and Tenure Committee; Member, Law Review Advisory Council

Past service includes: Member, Dean Search Committee; Member, ABA Site Visit Team; Chair, Committee on Long Range Planning; Chair, Learning Outcomes Assessment Committee; Chair of Subcommittee or Member of many various Promotion, Rank, and Tenure Committees; Member, Faculty Grievance Committee; Member, Ad Hoc Committee on Entertainment Law Certificate Program; Chair & Member, Appointments Committee; Senator, Chapman University Faculty Senate; Chair, Promotion, Rank, and Tenure Committee; Chair, Admissions Committee; Chair, Committee on Teaching Effectiveness and Scholarship; Chair, Library Committee; and Member, Honor Council

SERVICE IN SELECT PROFESSIONAL AND CHARITABLE GROUPS

Member, American Bar Association (1993-present)

Member, California Bar (#167639) (1993-present)

Humane Studies Fellowships Academic Review Committee (2004-present)

Member, Board of Academic Advisors, Inst. for a Civil Society (1996-present)

Member, American Intellectual Property Law Association (2004-present)

Member of Board of Directors & Secretary, California Culture Net, Inc. (2000-02)

Member, Technology Committee, American Bar Association, (1998-2002)

SELECT INVENTIONS

Biaxial Idler for Continuously Variable Transmission, U.S. Utility Patent No. 5,538,484
(July 23, 1996) (application made *pro se*)

Semi-Prone Bicycle, U.S. Provisional Application for Utility Patent, No. 06/015856 (May 28,
1996) (*pro se*)