

FRANK A. PASQUALE

Seton Hall Law School
One Newark Center
Newark, NJ 07102

Phone: 973-642-8485
Fax: 973-642-8546
Email: pasquafa@shu.edu

EDUCATION

Yale Law School, New Haven, CT

- J.D., June 2001
- Coker Fellow (Teaching Assistant for Professor Peter Schuck)
- Editor, *Yale Law and Policy Review* and *Yale Symposium on Law and Technology*
- Organizer of reading group on constitutional interpretation and biotechnology
- Student Director, Disabilities Clinic

Oxford University, Oxford, UK

- M.Phil. in Politics, 1998
- Marshall Scholar
- Markle Fellow in Oxford Program on Comparative Media Law and Policy

Harvard University, Cambridge, MA

- B.A., *summa cum laude* in Social Studies, 1996
- President, Catholic Students Association

ACADEMIC APPOINTMENTS

Yale Law School, New Haven, CT

- Coker Fellow, 2000-2001
- Teaching assistant for Prof. Peter Schuck's Torts Small Group.
- Developed and evaluated assignments teaching litigation and writing skills.

Seton Hall University School of Law, Newark, NJ

Associate Professor, 2004 to present

Courses and Supervisions

- Administrative Law
- Intellectual Property
- Seminar on Issues in Health and Intellectual Property
- Health Care Financing and Regulation
- Student Note Supervisor for 18 J.D. students.
- Thesis supervisor for 3 LLM candidates.

Service

- Associate Director, *Gibbons Institute of Law, Science, and Technology*, 2006 - . Responsible for assisting Director in programming, advising students about careers in IP and technology related industries, teaching Continuing Legal Education for practitioners, organizing conferences, advising the Intellectual Property Law Association, and liaising with sponsors at Gibbons and the NJIPLA. Helped plan many events, including speech by former FTC Commissioner Thomas Leary, visit by alumna Loria Yeadon, and strategizing for law firm gift to endow part of the ILST's administrative costs.
- Member of the *Health Law and Policy Program*, 2004- . Attend conferences on health law, assist in event planning and curricular planning.
- Member of the *Center on Health and Pharmaceutical Law*, 2007- . Assisted in organizing 2007 conference on pharmaceutical law; assist in event planning and curricular planning
- Chair, *Library and Information Technology Committee*, 2007 - . Run committee meetings and research ways of reducing costs of the library and increasing its effectiveness. Coordinating integration of library and information technology departments. Currently leading search for Director of Library and Information Management.
- *Chair of Ad Hoc Self-Study Technology Committee*, 2006. Wrote report on the past five years of technology use at Seton Hall, and our plans for the next five years. The report focused on a) technology in the classroom, b) technology needs of students and faculty outside the classroom, and c) technological skills beginning lawyers should have.
- Member, *Appointments Committee*, 2005-2008. Participated in committee's exhaustive review of resumes, attended meetings, interviewed candidates, attended most job talks, and tried to recruit candidates.
- Catholic Mission: Attended St. Thomas More Society events; led discussion of Catholic philosopher Charles Taylor's work at Theology on Tap; attended University Mission Retreat; attend Catholic Social Thought reading group.
- Events: Went to many events, including Red Masses, Admissions Events, student recruitment, Faculty Scholarship Retreat, Alumni Dinner Dance, Theology on Tap, *inter alia*.

Outreach and Commentary

- Founding Member of *Concurring Opinions, LLC*, a limited liability corporation operating a general interest weblog, podcast, and directory of leading scholarship for law professors and the legal community generally. *Concurring Opinions* is routinely ranked in the top

5,000 of the tens of millions of blogs ranked by Technorati.

- Member of *Madisonian.net*, a weblog focusing on law and technology issues.
- Co-founder of virtual symposium, *Law and Technology Theory*.
- Served as reviewer of book proposals for Yale, Stanford, Oxford, and Michigan University Presses.
- Quoted in the *New York Times*, *San Francisco Chronicle*, *Los Angeles Times*, *IEEE Spectrum*, and many other publications.
- Appeared on CNN to comment on Google's China policy.
- Interviewed on search engine regulation on David Levine's *Hearsay Culture* podcast (Jan. 24, 2007) and on National Public Radio's *Talk of the Nation* (June 18, 2007).
- President of the Yale Law School Alumni Association of New Jersey, 2006 to present.

OTHER EMPLOYMENT

Arnold & Porter, Washington, DC

Associate, 2002-2004

Focused on intellectual property and antitrust litigation. Matters included internet trademark infringement, software copyright and patent infringement, and competition law in health care.

Judge Kermit V. Lipez, First Circuit Court of Appeals, Portland, ME

Law Clerk, 2001-2002

Researched and wrote on legal issues concerning a wide range of civil and criminal litigation.

Jerome Frank Legal Services Center of Yale Law School, New Haven, CT

Student Director, 2000-2001

Advocated on behalf of individuals with disabilities. Represented claimants in social security appeals; responsibilities included drafting a brief and memoranda and preparing client for hearing. Supervised work of other students during final semester at the clinic. Presented benefits information to community groups.

Institute for Defense of Intellectual Property and Market Competition, Lima, Peru

Fellow, Summer 1999

Analyzed Peruvian administrative law in a cross-national context. Researched interaction of firms and regulators.

Cambridge and Somerville Legal Services, Cambridge, MA

Director of Small Claims Advisory Service, 1995-1996

Assisted more than 500 low-income consumers seeking legal remedies or defense in small claims disputes. Investigated cases and interviewed clients. Drafted demand letters. Helped consumers file and respond to basic motions (including notice to show cause, *capias*, and appeals).

Executive Office for Consumer Affairs and Business Regulation, Boston, MA

Intern, Summer 1993

Filed complaints against unfair business practices. Answered consumer hotline. Devised test to determine future interns' knowledge of consumer law.

Organization for a New Equality, Boston, MA

Intern, Summer 1993

Researched developments in enforcement of the Community Reinvestment Act. Promoted policies designed to stop redlining of minority communities. Managed program to coordinate textbook donations to rural schools in Alabama; distributed textbooks at Montgomery warehouse.

Publications

Information Law

Federal Search Commission? Access, Fairness, and Accountability in the Law of Search, 93 CORNELL L. REV. (forthcoming, 2008) (with Oren Bracha).

Internet Nondiscrimination Principles: Commercial Ethics for Carriers and Search Engines, 16 U. CHI. LEG. F. (forthcoming, 2008).

Asterisk Revisited: Debating a Right of Reply on Search Results, 3 J. BUSINESS L. & TECH. (forthcoming, 2008) (special symposium on search engines).

Copyright in an Era of Information Overload, 60 VANDERBILT L. REV. 135 (2007) (delivered to the plenary session of the Intellectual Property Scholars Conference at U.C. Berkeley).

Rankings, Reductionism, and Responsibility, 54 CLEV. ST. L. REV. 115 (2006) (Symposium in honor of Margaret Jane Radin) (excerpted in Bellia, Post, & Berman's textbook *Cyberlaw*).

Toward an Ecology of Intellectual Property: Lessons from Environmental Economics for the Valuation of Copyright's Commons, 8 YALE J. L. & TECH. 78 (2006).

Breaking the Vicious Circularity: Sony's Contribution to the Fair Use Doctrine, 55 CASE W. RES. UNIV. L. REV. 777 (2005).

Beyond Napster: Using Antitrust Law to Advance and Enhance Online Music Distribution, 8 B.U. J. SCI. & TECH. L. 451 (2002) (with Kimberlee Weatherall and Matthew Fagin).

Health Law

Technology, Competition, and Values, 8 MINN. J. L., SCI., & TECH. 607 (2007).

The Three Faces of Retainer Care, 7 YALE J. HEALTH POL'Y, L., & ETHICS 39 (2007).

Politics and Jurisprudence

Reclaiming Egalitarianism in the Political Theory of Campaign Finance Reform, 2008 ILLINOIS L. REV. (forthcoming, 2008).

The Business Model of Governance, in THE ROLE OF THE STATE IN COMPETITION AND INTELLECTUAL PROPERTY POLICY IN LATIN AMERICA (Beatriz Boza, ed., 2000).

Market and Culture: The Naivete of Neutrality, in PROCEEDINGS OF THE UNITED KINGDOM POLITICAL STUDIES ASSOCIATION (1998).

Presentations

Information Law

Internet Nondiscrimination Principles, University of Chicago Conference on Innovation in a Networked World; New York University Law School's Information Technology Colloquium.

Moderator, Panel on Identity and Trust, Telecommunications Policy Research Conference, George Mason University, 2007.

From Net Neutrality to Search Neutrality, Works in Progress Intellectual Property Conference, American University, 2007.

Intellectual Property vs. the Administrative State, Intellectual Property Scholars Conference, DePaul University, 2007.

Federal Search Commission?, Reclaiming the First Amendment Conference at Hofstra University (2007) (with Oren Bracha).

Rankings and Reductionism in the Law of Search, Presentation to the Stanford Center for Internet and Society (2006); Computers, Freedom, and Privacy Conference (2006).

Copyright in an Era of Information Overload, Presentation to IP Seminar at U.C. Berkeley (2006).

How Innovation Can Undermine Equity and Efficiency: The Rise of Primarily-Position-Enhancing Information, Works-in-Progress Intellectual Property Conference, Univ. of Pittsburgh (2006).

The Law and Economics of Information Overload Externalities, IP Scholars Conference at U.C. Berkeley (2006); May Gathering at University of Virginia (2006).

Theories of Law & Technology, Commentary on Panel at Law & Society Conference (2006); Presentation at the International Association of Science and Technology Studies Conference (2007).

Overload and Positional Externalities in Copyright, St. John's Law School Distinguished Speakers Colloquium (2005).

Breaking the Vicious Circularity: Sony's Contribution to the Fair Use Doctrine, Symposium on the 20th Anniversary of *Sony v. Universal*, Center for Law, Technology, and the Arts at Case Western Reserve Univ. (February, 2005); Seton Hall Faculty Workshop (2005).

Privacy and Intellectual Property Policy. Guest Lectures before Prof. Glyn Morgan's Harvard University Undergraduate Class, "Public and Private" (2000 and 2001).

Health Law

Spin-offs as Tiering: Understanding the Rise of Specialty Hospitals and Ambulatory Surgery Centers, Harvard Law School/Petrie-Flom Center Conference on Fragmentation in Health Care (upcoming, June 2008).

Taxation of Cosmetic Surgery: Responding to the Critics, Health Law Professors' Conference at Drexel University (upcoming, June 2008).

Medical Tourism In LDC's: Diverting Doctors or Increasing Investment?, Wisconsin International Law Journal Symposium on Cross-Border Health Care (upcoming, June 2008).

Technology, Competition, and Values, Yale Information Society Project (2007).

Taxing Tiering: Toward the Joint Maximization of Access, Quality, and Cost-Control in Health Care, Health Law Professors Conference at Boston University (2007).

Medicare Part D and Pharmaceutical Companies' Patient Assistance Programs, CLE Presentation to the New Jersey Intellectual Property Lawyers Association (2007).

Medicine as a Positional Good, Health Law Scholars Workshop, St. Louis University (St. Louis, 2005).

Politics and Jurisprudence

The Cost of Conscience: Quantifying our Charitable Burden, Normative Political Theory Section of the American Political Science Association Annual Conference (2006).

Limits on Genetic Engineering and Psychopharmacology. Presentation before the Yale Graduate Political Theory Workshop (1999).

A Technical Knock-Out for Reductionist Humanism. Presentation before the Oxford University Philosophy Society (1997).

Neo-liberalism vs. Civic Humanism. Presentation before the Harvard Graduate Political Theory Workshop (1997).

The Public Sphere in Habermas and American Constitutional Theory. Presentation before Seyla Benhabib's Graduate Seminar on the Public Sphere, Harvard University (1996).