

MYLES V. LYNK
Peter Kiewit Foundation Professor of Law and the Legal Profession
Faculty Fellow, Center for the Study of Law, Science and Innovation,
Sandra Day O'Connor College of Law
Affiliated Faculty in Justice Studies, School of Social Transformation,
College of Liberal Arts and Sciences
Arizona State University
P.O. Box 877906
Tempe, AZ 85287-7906
(480) 965-0433
myles.lynk@asu.edu

EDUCATION:

Harvard Law School, J.D., 1976

Harvard Legal Aid Bureau

Law Clerk to the Honorable Shimon Agranat, President (Chief Justice) of the Supreme Court of Israel, at the World Peace Through Law Conference Demonstration Trial, Washington, D.C., October 1975.

Harvard College, A.B. *cum laude*, 1971

ADMITTED TO THE BAR:

States: New York, 1977; Massachusetts, 1979; District of Columbia, 1982

Federal Courts: Supreme Court of the United States; United States Courts of Appeals for the Federal, Sixth, Ninth and District of Columbia Circuits; United States District Courts for the District of Columbia and the Eastern and Southern Districts of New York; United States Court of International Trade.

PROFESSIONAL POSITIONS:

Legal Education

Visiting Fellow, Magdalene College, University of Cambridge, and *Visiting Scholar*, Faculty of Law, University of Cambridge (studying the new regulation of solicitors and barristers in the UK as compared with the regulation of lawyers in the US), January –June, 2014

Professor of Law, January 2000 - present, Arizona State University College of Law, Tempe, AZ, Subjects: Corporate Governance, Legal Ethics and Civil Procedure.

- Chair, American Bar Association Section of Individual Rights & Responsibilities, 2013-2014
- Chair, American Bar Association Standing Committee on Ethics and Professional Responsibility, 2014-
- Chair, American Bar Association Standing Committee on Professional Discipline, 2010-2013
- ABA Spirit of Excellence Award, 2013
- Board of Editors, *The Ethical Business Lawyer* journal, ABA Section of Business Law
- Faculty Member of the Year Award, Alumni Association of the ASU Sandra Day O'Connor College of Law, 2010
- Arizona State University's NCAA & Pac-12 Conference Faculty Athletic Representative, 2004-2010
- Co-Chair, State Bar of Arizona Task Force on Multijurisdictional Practice, 2002-2004
- State Bar of Arizona Award for Service to the Legal Profession, 2001

Visiting Professor, Duke University School of Law, Durham, NC (Fall 2010), Subjects: Civil Procedure, Legal Ethics.

Visiting Professor, Summer 2006, Georgetown University Law Center, Washington, DC, Subjects: Administrative Law.

Visiting Professor, Summer 2004 and Summer 2006, George Mason University School of Law, Arlington, VA, Subjects: Legal Ethics.

Lecturer in Law, January 1999 - December 1999, University of Maryland School of Law, Baltimore, MD, Subjects: Administrative Law; Federal Election Law.

Visiting Professor, September 1990 - June 1991, The George Washington University National Law Center, Washington, DC, Subjects: Civil Procedure, Administrative Law.

Private Practice

Partner, 1985-1999, and *associate*, 1983-1985, Dewey Ballantine LLP, Washington, DC; practiced in the areas of corporate underwriting, federal regulation and civil litigation; served as pro bono counsel in a number of civil rights and civil liberties cases. *E.g.*, *Campbell v. D.C.*, No. 94-543 (D.D.C. Settlement Order July 25, 1996)(obtained relief for indigent prisoners challenging prison restrictions on their religious practices); *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996)(represented minority undergraduate students in support of law school affirmative action program); *Michael v. Anderson*, 14 F.3d 623 (D.C.Cir. 1994)(co-counsel on behalf of ACLU and

other amici in support of vote in the House of Representatives' Committee of the Whole for D.C.'s Congressional Delegate); *Community For Creative Non-Violence v. Kerrigan*, 865 F.2d 382 (D.C.Cir. 1989)(argued plaintiff's First Amendment claim to display speech-related statuary on U.S. Capitol grounds).

Associate, 1981-82, Califano, Ross & Heineman, Washington, DC

Associate, 1978-79, Shearman & Sterling, New York, NY

Public Policy

Assistant Special Counsel, Committee on Standards of Official Conduct, U.S. House of Representatives, in its Investigation pursuant to, H. Res. 518 (97th Cong., 2nd Sess.) and H. Res. 12 (98th Cong., 1st Sess.) ("The House Pages Scandal"), 1982-83, Washington, DC

Assistant Director for transportation and maritime policy, Domestic Policy Staff, The White House, 1980, Washington, DC

Special Assistant to the Secretary of Health, Education, and Welfare, United States Department of Health, Education, and Welfare, 1979, Washington, DC

Federal Judicial Clerkship

Law Clerk to the Honorable Damon J. Keith, Circuit Judge, United States Court of Appeals for the Sixth Circuit, Detroit, MI, and Cincinnati, OH., 1976 - 78.

SELECTED PUBLICATIONS:

Lynk, Myles V. and Paula J. Frederick, "*Analysis of Proposed Amendments to Rule 2.11(A)(4) and Related Comments of the Model Code of Judicial Conduct*," American Bar Association, Center for Professional Responsibility (August 2013).

Lynk, Myles V. and Stephen P. Younger, "*Guidelines for an International Regulatory Information Exchange for State and Territorial Courts In Cooperation with their Foreign Regulatory Counterparts*," American Bar Association, Center for Professional Responsibility (August 2013).

Lynk, Myles V., "*Reaffirming the Standards for Imposing Lawyer Sanctions While Severing from the Standards and from ABA policy the Commentary Accompanying the Standards*," American Bar Association, Center for Professional Responsibility (February 2012).

James G. Hodge, Jr., Kristine M. Gebbie, Chris Hoke, Martin Fenstersheib, Sharona Hoffman and Myles Lynk, "*Assessing Competencies for Public Health Emergency Legal Preparedness*," 36 **Journal of Law, Medicine and Ethics** 28 (Spring 2008) (The National Action Agenda for Public Health Legal Preparedness: Status of Core Elements).

"The Organization and Operation of a Corporate Political Action Committee," 44 **The Practical Lawyer** 39 (Dec. 1998).

"Obtaining Judicial Review of a Managed Care Plan's Refusal to Pay," 90 **Journal of the National Medical Association (JNMA)** 749 (December 1998).

"ERISA Preemption and the Legal Liability of HMOs: Possibilities of Change," 90 **JNMA** 645 (November 1998).

"Medicare+Choice: Arguably the Most Significant Change in the Medicare Program Since 1965," 90 **JNMA** 585 (October 1998).

"Physician Contracts With Practice Management Companies," 90 **JNMA** 527 (September 1998).

"Corporations and the Federal Election Process I: Prohibited Corporate Federal Election Campaign Activities," 6 **The Metropolitan Corporate Counsel** (Greater New York Area) at 15 (June 1998).

"Corporations and the Federal Election Process II: Permitted Corporate Communication in Connection With Federal Election Campaigns," 6 **The Metropolitan Corporate Counsel** (MidAtlantic Area) at 15 (June 1998).

Regulating Politics: Notes on a Hypothetical Statute to Regulate Presidential Primary and General Election Campaigns," 8 **Journal of Law and Politics** 259 (Winter 1992).

"A Short History of the Inns of Court Regiment (The Devil's Own)," **The Bench** (The Newsletter of the American Inns of Court Foundation), Vol. IV, No. 5 (May 1990) and Vol. V, No. 1 (Nov. 1990).

"Issues and Actors. Maritime Policy Choices for the Eighties," in **The Future of the U.S. Merchant Marine** (The Michie Company: Charlottesville 1982).

SELECTED PUBLIC LECTURES AND PRESENTATIONS:

"Judicial Review of Congressional Legislation in the Supreme Court of the United States: Current Issues and Concerns," Faculty of Law, University of Cambridge, May 29, 2014.

"Whose Choice? Multijurisdictional Practice and the Ethics 20/20 Commission's 'Choice of Conflict of Interest Rule' Amendment to the Model Rules," 2013 Symposium of the Miller-Becker Center for Professional Responsibility, University of Akron School of Law, Akron, OH, April 5, 2013.

"Rules and Their Consequences: Legal Ethics in Theory and Practice," Duke University School of Law, Durham, NC, March 4, 2013.

"Legal Ethics and Sophocles' Antigone," CLE Presentation in Legal Ethics, ASU College of Law CLE Program, Phoenix, AZ, February 22, 2013.

“Moral Authority and Bar Leadership,” State Bar of Arizona, Bar Leadership Institute, Phoenix, AZ, October 19, 2012.

“The ABA Model Rules for Lawyer Disciplinary Enforcement: A Look Back and Plans for the Future,” 2012 ABA National Conference on Professional Responsibility, Boston, MA, May 31, 2012.

“Leadership Lessons From Homer’s Iliad,” State Bar of Arizona, Bar Leadership Institute, Phoenix, AZ, May 18, 2012.

“The New Role of Corporate Governance” – Transatlantic Corporate Governance Dialogue, co-sponsored by the European Corporate Governance Institute, Columbia University Law School & The Brookings Institution, NY, NY, September, 2009.

“Arguments Against Permitting Advance Waivers of Lawyers’ Potential Conflicts of Interest Under Rule 1.7 of the Model Rules of Professional Conduct,” presentation to the ABA Committee on Ethics and Professional Responsibility, Tucson, AZ, April, 2009.

“Conflict or Community? The Rule of Law and the Role of Lawyers,” Barrett, the Honors College, Arizona State University, Tempe, AZ, April 2009.

“Legal Ethics, Univeristy Counsel and the Difficult Discrimination Claim,” CLE Workshop for the National Association of College and University Attorneys, Tempe, AZ, March, 2009.

“What Went Wrong? Ethical Issues and the Economic Crisis,” Hillel Society Symposium, Arizona State University, Tempe, AZ, November 2008.

“Choice and Opportunity: Race, Politics and the Practice of Law: The impact of Barack Obama’s experiences as a lawyer and his candidacy for President on the Recruitment and Retention of African-American Lawyers in Majority Law Firms and Corporate Law Departments,” ABA Section of Law Practice Management, Tucson, AZ, October 2008.

“Choice and Opportunity: Black Lawyers and Corporate Law Firms,” ASU College of Law, Tempe, AZ, October 2008.

“And Now for Plan B: Government Intervention, Corporate Governance and the Management of Risk by Financial Institutions in a Market Economy,” ASU College of Law, Tempe, AZ, October 2008.

“The Sub-Prime Mortgage Crisis: Lessons in Corporate Governance and Federal Regulation,” ASU College of Law, April 2008.

“The General Counsel’s Role in Corporate Governance,” J. Reuben Clark Law Society International Conference, ASU College of Law, February 15, 2008.

“Corporate Directors and the Business Judgment Rule,” Presentation to the Board of Directors of Dendreon Corporation, Scottsdale, AZ, 2007.

“Certain Provisions of The Sarbanes-Oxley Act of 2002,” Corporate General Counsel Symposium, Phoenix, AZ, 2003.

“Legal Education and its Relevance to the Practice of Law,” Lecture, Cornell Law School, Cornell University, May 2002.

“The Advocate’s Search for Meaning: The Relationship Between Legal Education and the Practice of Law,” Kiewit Foundation Lecture, ASU College of Law, January, 2001.

“Representing Business Clients Before Federal Administrative Agencies: A Dual Relationship,” for the panel, “Law Practice Before Administrative Agencies: A Canada/U.S. Comparison,” Committee on Counsel Responsibility, Section on Business Law, American Bar Association Annual Meeting, Toronto, Ontario, August, 1998.

Panelist, *“Tangled Loyalties: Conflicts of Interest in the Real World,”* Fellows Seminar at the American Bar Foundation 42nd Annual Meeting, Nashville, TN, January 31, 1998.

Lecture, *“Medical Practice In a Managed Care Environment: Issues to Consider,”* National Medical Association Program in Continuing Medical Education, Chicago, Illinois, July 27, 1996.

“The Impact of the New Federal Rules of Civil Procedure: Uniformity vs. Diversity Among the Federal District Courts,” Developments in Commercial Litigation Seminar, National Bar Association Commercial Law Section, Washington, D.C., May 1, 1995.

SERVICE TO THE LEGAL PROFESSION:

Advisory Committee on Civil Rules, Judicial Conference of the United States
Chair, Subcommittee on the Discovery Rules, 2001-2004
Member, 1998-2004.

American Law Institute
Governing Council, 2001-2011
Member, 1991-present

State Bar of Arizona
Co-Chair, Task Force on Multijurisdictional Practice, 2002-2004
Member, Task Force on the Future of the Legal Profession, 2000-2001

American Bar Association
Member of the House of Delegates:
1995-1997 (DC Bar)
2000-2008 (Section of Business Law)
2008-2011 (Member of the Nominating Committee)
2011-2014 (At-large)

Chair of the Minority Caucus to the House of Delegates, 2010-2014

ABA Sections:

Section of Individual Rights and Responsibilities

Chair, 2013-2014

Chair-elect, 2012-2013, Vice Chair, 2011-2012, Secretary, 2010-2011

Co-Chair, Committee on Civil Rights and Equal Opportunity, 2001

Co-Chair, Thurgood Marshall Dinner Committee, 2002

Section of Business Law

Section Delegate to the House of Delegates, 2000-2008

Member of Governing Council, 2000-2012

Co-Founder and Co-Chair, Committee on Community Economic Development, 2001-2002

Member, Committee on Professional Responsibility, 2000-present

Board of Editors, *The Ethical Business Lawyer* journal, 2011-present

Other ABA Entities:

Chair, Standing Committee on Ethics and Professional Responsibility, 2014-

Chair, Standing Committee on Professional Discipline, 2010-present

Chair, Special Committee on Bioethics and the Law, 2000-2004

Organized with the TIPS Section, Conference on "Bioethics, Minorities and the Law: Rights and Remedies," at Tuskegee University, 2002

Member, Commission on Racial and Ethnic Diversity in the Profession, 2007-2010.

Member, Special Committee on Disaster Relief and Responsiveness, 2006-2007

Member, Hurricane Katrina Task Force, 2005-2006

Represented ABA at "summit meeting" of post-Katrina legal services providers, Baton Rouge, LA, Sept. 15, 2005

Council on Legal Education Opportunity (CLEO)

Governing Board, 1998-2002

American Bar Foundation

National Chair of the Fellows, 2012-2013

Chair-elect (2011-12) and Secretary (2010-11) of the Fellows

Member, Board of Directors, 2000-2004; 2010-present

Chair of the Audit Committee of the Board, 2011-present

Chair of the DC Fellows, 1997-1999

Judicial Conference of the District of Columbia Circuit

Member, 1988-2002

Chair of the Program Committee, 1996

The District of Columbia Bar

President, 1996-1997

Member, Board of Governors, 1993-1998

Chair, Clients' Security Trust Fund, 1989-1992

Member, Legal Ethics Committee, 1987-1990

Lawyers' Committee for Civil Rights Under Law

Treasurer and Member of the Board of Directors, 1989-1998

Co-Chair (with Brooksley Born), Board of Directors' Advisory Committee to the National Planning Committee, National Conference on African-American Women and the Law, 1995.

University of Maryland School of Law

Board of Visitors, 1995 - 1997

OTHER PUBLIC SERVICE

National Center on Addiction and Substance Abuse at Columbia University

Member, National Advisory Commission on Addiction Treatment, 2008-2012

United States Indian Health Service

Public Member, Phoenix Area Institutional Review Board, 2007-present

City of Chandler, Arizona

Member, Human Relations Commission, 2004-2009

Board of Directors, District of Columbia Children's Advocacy Center, 1998-2000

Board of Directors and Treasurer, Women's Legal Defense Fund (now National Partnership for Women and Families), 1989-1994

Co-Chair, Mayor's Task Force on the Public Health Care Delivery System in the District of Columbia, 1992 -1993

The Historical Society of Washington, DC

Member, Board of Managers (Board of Directors) 1991-2002

Chair, Advisory Council, 1998-2000

Vice President, 1994-1996

General Counsel (*pro bono*), 1991-1994