

## **W. Mark C. Weidemaier**

University of North Carolina School of Law  
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### **CURRENT APPOINTMENT**

**School of Law, The University of North Carolina at Chapel Hill** (Chapel Hill, NC) (July 2007 – present)

**Assistant Professor of Law:** Courses taught include Contracts, Commercial Arbitration, Complex Civil Litigation, Advanced Litigation Practice, and Foundations of US Common Law

### **EDUCATION**

**University of Minnesota**, Minneapolis, MN (1999)

**J.D.**, *summa cum laude*

Class Rank: 1/250 (approx. class size)

Dean's List with Distinction, each semester

Note and Comment Editor, University of Minnesota Law Review

**State University of New York at Stony Brook**, Stony Brook, NY (1994 – 1996)

Graduate course work in clinical psychology.

**Carleton College**, Northfield, MN (1994)

**B.A. psychology**, *cum laude*

### **PUBLICATIONS**

#### **Peer reviewed/edited:**

*Origin Myths, Contracts, and the Hunt for Pari Passu*, LAW & SOC. INQUIRY (forthcoming 2012) (with Bob Scott and Mitu Gulati)

*How Markets Work: The Lawyer's Version*, STUDIES IN LAW, POLITICS, AND SOCIETY (forthcoming 2012) (with Mitu Gulati)

*Contracting for State Intervention: The Origins of Sovereign Debt Arbitration*, 73 LAW & CONTEMP. PROBS. 335 (2010)

#### **Law Review:**

*Judging Lite: How Arbitrators Make and Use Precedent*, 90 N.C. LAW REV. \_\_ (2012)

*Toward a Theory of Precedent in Arbitration*, 51 WM. & MARY L. REV. 1895-1958 (2010)

*Disputing Boilerplate*, 82 TEMPLE LAW REV. 101-150 (2009)

*From Court Surrogate to Regulatory Tool: Re-Framing the Empirical Study of Employment Arbitration*, 41 MICH. J. OF L. REF. 843-870 (2008) (symposium)

*Arbitration and the Individuation Critique*, 49 ARIZ. L. REV. 69-112 (2007) (republished in *Employment Class & Collective Actions*, PROCEEDINGS OF THE 56TH ANNUAL NEW YORK UNIVERSITY CONFERENCE ON LABOR (Sherwyn & Estreicher, eds. 2008))

*The Arbitration Clause in Context: How Contract Terms Do (and Do Not) Define the Process*, 40 CREIGHTON L. REV. 655-678 (2007) (symposium)

*Balancing, Press Immunity, and the Compatibility of Tort Law with the First Amendment*, 82 MINN. L. REV. 1695-1725 (1998)

**Other:**

*Courts and Civil Procedure*, In NORTH CAROLINA LEGISLATION 2006 (2007) (with Jim Drennan)

*The Federal Arbitration Act: Federal Preemption of State Law Regulating Arbitration*, ADMINISTRATION OF JUSTICE BULLETIN NO. 2005/05 (August 2005)

*International Service Under the Hague Convention*, ADMINISTRATION OF JUSTICE BULLETIN NO. 2004/07 (Dec. 2004)

*Service of Process and the Military*, ADMINISTRATION OF JUSTICE BULLETIN NO. 2004/08 (Dec. 2004)

*Reclamation Issues in Coal Bankruptcies*, 22 ENERGY & MIN. L. INST. ch. 11 (2002) (with Ethan Fogel)

**WORKS IN PROGRESS**

*Reforming Sovereign Lending Practices: Modern Initiatives in Historical Context* (analyzing current efforts by European governments and other international actors to influence sovereign loan contracts)

*Contract Change and the Evolution of Sovereign Immunity* (explores how sovereign bond contracts responded to changes in the law of foreign sovereign immunity)

*Do Sovereign Bond Investors Care About Legal Enforcement?* (with Guangya Liu) (examining impact of dispute resolution terms on sovereign bond yields)

**WORKSHOPS AND PRESENTATIONS** (past and committed)

**Academic:**

*Sovereign Immunity and Contract Change*, UCLA School of Law faculty colloquium (April 2012)

*Producing Change in Sovereign Loan Contracts*, Conference on Responsible Sovereign Borrowing and Lending: The Search for Common Principles, organized by the United Nations Conference on Trade and Development and the University Autónoma of Madrid (March 2012)

*Producing Change in Sovereign Loan Contracts*, University of Iowa College of Law, Conference on the European Sovereign Debt Crisis: A Critical Assessment of the Euro and European Monetary Union (February 2012)

*Sovereign Immunity and Contract Change*, Tulane Law School faculty workshop (November 2011)

*How (Sovereign Debt) Lawyers Learned to Stop Worrying and Love DR*, Creighton University School of Law, 5<sup>th</sup> Annual Dispute Resolution Works in Progress Conference (November 2011)

*Sovereign Immunity and Contract Change*, Duke University School of Law summer workshop series (June 2011)

*Precedent in Arbitration*, University of Florida Levin College of Law, Southeast Regional Junior Faculty Working Papers Conference (December 2010)

*Origin Myths, Contracts, and the Hunt for Pari Passu*, Yale Law School, Conference on Empirical Legal Studies (November 2010)

*Collective Representation in Sovereign Debt: Back to the Future*, University of Pennsylvania, conference on Global Financial Architecture: Sovereignty and Implications (November 2010)

*Precedent in Arbitration*, Yale Law School, Quinnipiac-Yale Dispute Resolution Workshop (September 2010)

*Precedent in Arbitration*, University of North Carolina School of Law faculty workshop (September 2010)

*The Stories Lawyers Tell*, Georgetown Law School, Workshop on Behavioral and Institutional Research and Financial Services Regulatory Reform (June 2010)

*The Stories Lawyers Tell*, University of Oxford, Centre for Sociolegal Studies, Conference on Socializing Economic Relationships: New Perspectives and Methods for Analyzing Transnational Risk Regulation (April 2010)

*Haggling Over (Non?) Enforcement*, St. John's University School of Law faculty workshop (March 2010)

*Arbitral Precedent: A Theoretical and Empirical Inquiry*, Harvard Law School, Third Annual Dispute Resolution Works in Progress Conference (November 2009)

*Haggling Over (Non?) Enforcement: Dispute Resolution in Early Sovereign Debt Contracts*, American University Washington College of Law, conference on "A Modern Legal History of Sovereign Debt" (October 2009)

*Arbitral Precedent*, Duke University School of Law summer workshop series (July 2009)

*Disputing Boilerplate: Arbitration Clauses in International Debt Contracts*, Duke University School of Law, Center for International and Comparative Law (November 2008)

*Disputing Boilerplate*, University of Kansas School of Law, faculty workshop (May 2008)

*Disputing Boilerplate*, University of North Carolina School of Law, faculty workshop (April 2008)

*Studying Arbitration Outcomes in an Era of Self-Regulation*, Panel on "How Bad Are Mandatory Arbitration Terms," Section on Contracts, Association of American Law Schools Annual Meeting (January 2008)

*Disputing Boilerplate*, Duke University School of Law, Law and Markets Seminar (November 2007)

*The Public Nature of Private Disputing*, Panel on Access to Justice Without the Court, International Meetings on Law and Society in the 21st Century: Joint Annual Meetings of the Law and Society Association and the Research Committee on Sociology of Law (July 2007)

*A Pilot (and Future) Study of Consumer and Employment Arbitration Agreements*, University of Wisconsin Law School, Institute for Legal Studies Workshop (September 2006)

### **Selected Judicial and Continuing Legal Education Courses:**

*Hot Topics in Arbitration*, UNC School of Law Festival of Legal Learning (February 2012)

*An Overview of the Empirical Study of Employment Arbitration*, UNC School of Law Festival of Legal Learning (February 2009)

*Revisiting Past Decisions*, North Carolina Association of District Court Judges (October 2006)

*Issues of Federal Jurisdiction in the Clerk's Office*, North Carolina Clerks of Superior Court (September 2006)

*Default Judgments*, North Carolina Association of Assistant and Deputy Clerks (August 2006)

*Domestic Violence Restraining Orders: Practice and Procedure*, North Carolina Association of District Court Judges (June 2006)

*Addressing Requests for Attorney's Fees and Costs*, School for New North Carolina District Court Judges (December 2005)

*Resolving Challenges to Arbitration Agreements*, North Carolina Conference of Superior Court Judges (October 2005)

*Recent Developments in Civil Procedure*, North Carolina Association of District Court Judges (October 2005)

*Preliminary Injunctions, TROs, and Covenants Not to Compete*, North Carolina Conference of Superior Court Judges (June 2005)

*Selected Service of Process Issues*, North Carolina Association of District Court Judges (June 2005)

*Corporate Defendants and Shareholder Liability*, North Carolina Magistrates Association (March 2005)

*Drafting Civil Orders*, School for New North Carolina District Court Judges (February 2005, February 2006)

*Requests for Attorney's Fees in Civil Cases*, North Carolina Association of District Court Judges (October 2004)

*International and Military Service of Process*, North Carolina Association of Social Services Attorneys (July 2005)

*Class Actions in the Arbitral Forum*, UNC School of Law Festival of Legal Learning (February 2005)

### **OTHER PROFESSIONAL EXPERIENCE**

**School of Government, The University of North Carolina at Chapel Hill**, Chapel Hill, NC (June 2004 – July 2007)

**Assistant Professor of Public Law and Government:** Tenure-track faculty at School of Government, a research, consulting, and educational institution for state and local government officials. Planned and taught judicial education programs for judges and other court officials. Produced applied scholarship on issues relevant to the North Carolina court system, primarily for publication in the Administration of Justice Bulletin, which is published by the UNC School of Government to ensure availability to state and local officials.

**Dechert LLP**, Philadelphia, PA (August 2000 – June 2004)

**Associate, Complex Commercial Litigation Group:** Represented plaintiffs and defendants in a variety of litigation matters in state and federal courts and in arbitration. Practice areas included general commercial litigation, mass torts, and consumer fraud and other class actions.

**The Honorable Dolores K. Sloviter, United States Court of Appeals for the Third Circuit**, Philadelphia, PA (1999 – 2000)

**Judicial Law Clerk**

**Sprenger and Lang**, Minneapolis, MN (1998 – 1999)

**Law Clerk:** Employed during law school writing motions, briefs, memoranda, and jury instructions for firm representing plaintiffs in individual and class action employment discrimination lawsuits.

**Dechert Price & Rhoads** (now Dechert LLP), Philadelphia, PA (May – August 1998, May – August 1999)

**Summer Associate/Law Clerk**

**Carlson Companies, Inc.**, Minneapolis, MN (1996 – 1997)

**Consultant:** Worked on consulting team in management information systems department. Assisted in designing and implementing system for monitoring technology projects conducted for company business units.

**State University of New York, Stony Brook**, Stony Brook, NY (1994 – 1996)

**Graduate Research Assistant**

## **SERVICE ACTIVITIES AND OTHER PROFESSIONAL INFORMATION**

Peer Reviewer, Routledge (2011); Searle Civil Justice Institute, Northwestern University School of Law (2009).

Law School: Faculty Speakers Committee, chair (2011-2012); Dean's Advisory Committee (2011-2012) Readmissions committee (2011-2012); International Committee (2010-2011) Scholarship Committee (2009); Technology Committee (2008-2009); Clerkship Committee (2007-2008)

School of Government: Faculty Secretary (September 2006 – April 2007); Editorial Board, *Popular Government*

Bar admissions: North Carolina (active), Pennsylvania (inactive), United States District Court for the Eastern District of Pennsylvania, United States Court of Appeals for the Third Circuit