

Mark Edwin Burge

Professor of Law
Texas A&M University School of Law

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Legal Academic Positions:

- **Texas A&M University School of Law** **2013 to Present**
 - Title: Professor of Law with tenure (2017 – present)
 - Title: Director of San Antonio Programs (2017 – 2020)
 - Title: Associate Professor of Law (2013 – 2017)
 - Courses Taught: Contracts; Contract Drafting; Payment Systems; Electronic Payments; Sales & Leases; Legal Analysis, Research & Writing I & II; Contract Law & Strategies (Graduate Course); Legal Analysis & Writing for Clients (Graduate Course).
 - Teaching and Research Interests: contract law; payments law; Uniform Commercial Code and related federal law; contract drafting; legal master's degree programs; future of legal education.
- **Texas Wesleyan University School of Law** **2005 to 2013**
 - Title: Associate Professor of Law (2011 – 2013)
 - Title: Legal Writing Professor (2005 – 2011)

Works in Progress:

- *Was It COVID-Ready? Contractual Excuse Doctrine in the 21st Century*

Publications:

- *After FTX: Can the Original Bitcoin Use Case Be Saved?*, 72 U. KANSAS L. REV. ____ (forthcoming 2023).
- LEGAL LITERACY AND COMMUNICATION SKILLS: WORKING WITH LAW AND LAWYERS (with Jennifer Murphy Romig) (Carolina Academic Press, 2020).
- *Teacher's Manual for* LEGAL LITERACY AND COMMUNICATION SKILLS: WORKING WITH LAW AND LAWYERS (with Jennifer Murphy Romig) (Carolina Academic Press, 2020).
- *Repealing the Statute of Wizarding Secrecy in Legal Education*, 50 CUMBERLAND L. REV. 117 (2019-2020).
- *Access to Law or Access to Lawyers? Masters Programs in the Public Educational Mission of Law Schools*, 74 U. MIAMI L. REV. 143 (2019).
- AMERICAN CONTRACT LAW FOR A GLOBAL AGE (with Franklin G. Snyder) (CALI eLangdell Press, 2017, 2020).

- *Applying the Cayman Approach to Virtual Currency: A Disruptive Opportunity Waiting to Happen*, Issue 47 CAYMAN FINANCIAL REVIEW 26, (2nd Quarter 2017).
- *Apple Pay, Bitcoin, and Consumers: The ABCs of Future Public Payments Law*, 67 HASTINGS LAW JOURNAL 1493 (2016).
- *Emerging Payment Systems and the Primacy of Private Law*, THE CLS BLUE SKY BLOG, Columbia Law School's Blog on Corporations and the Capital Markets (February 11, 2016), <http://clsbluesky.law.columbia.edu/2016/02/11/emerging-payment-systems-and-the-primacy-of-private-law/>.
- *Too Clever by Half: Reflections on Perception, Legitimacy, and Choice of Law Under Revised Article 1 of the Uniform Commercial Code*, 6 WILLIAM & MARY BUSINESS LAW REVIEW 357 (2015).
- *Without Precedent: Legal Analysis in the Age of Non-Judicial Dispute Resolution*, 15 CARDOZO JOURNAL OF CONFLICT RESOLUTION 143 (2013).
- *Who Wants to be a Muggle? The Diminished Legitimacy of Law as Magic*, in THE LAW AND HARRY POTTER 333-347 (Jeffrey E. Thomas & Franklin G. Snyder eds., Carolina Academic Press, 2010).
- *Raising a Spectre: Using the Ghost of Law Practice Future to Sell Statutory Analysis Today*, 23 THE SECOND DRAFT 16 (2008).
- *Note, Regulatory Reform and the Chevron Doctrine: Can Congress Force Better Decisionmaking by Courts and Agencies?*, 75 TEXAS LAW REVIEW 1085 (1997).

Editorial Positions:

- HAWKLAND'S UNIFORM COMMERCIAL CODE SERIES (Thompson Reuters), Treatise Editor for UCC Article 3 and UCC Article 4 volumes (2023 – present) .
- CONTRACTSPROF BLOG (http://lawprofessors.typepad.com/contractspref_blog/), Contributing Editor (2015 – present).

Representative Presentations and Panels:

- Sixteenth International Conference on Contracts (March 17, 2023 – Texas A&M University School of Law, Fort Worth, TX) *After FTX: Can the Original Bitcoin Use Case Be Saved?*
- Fifth Annual Legal Master's Degree Conference (March 11, 2022 – Arizona State University School of Law Virtual Event) *Where Doctrine and Skills Intersect for Legal Master's Students* (presenter). Panelist with Jennifer Murphy Romig (Emory).
- 2021 Central States Law Schools Association Annual Scholarship Conference (September 21, 2021 – Washburn University School of Law Virtual Event) *Virtual Money and the Uniform Commercial Code*.
- Fourth Annual Legal Master's Degree Conference (March 4, 2021 – Arizona State University School of Law Virtual Event) *Teaching Legal Skills in a Master's Program*

Core Curriculum: How It Started / How It's Going (presenter). Panelist with Russell Korobkin (UCLA) and Jennifer Murphy Romig (Emory).

- Fourteenth International Conference on Contracts (March 8, 2019 – Tulane University School of Law, New Orleans, LA) *The Execution and Ethics of Contract Law for Nonlawyers*.
- Third Annual Legal Master's Degree Conference (March 30, 2019 – Nova Southeastern Shepard Broad College of Law, Fort Lauderdale, FL) *Opportunities and Pitfalls in Course Development for Masters Students* (moderator and presenter).
- 2018 Central States Law Schools Association Annual Scholarship Conference (October 13, 2018 – Texas A&M University School of Law) *Strategies and Techniques for Enhancing Teaching Before, During, and After Class* (panelist).
- 18th Biennial Conference of the Legal Writing Institute – Milwaukee, Wisconsin (July 13, 2018) *Masters of Jurisprudence? Going Back to School With a Different Audience* (panel organizer and panelist).
- Thirteenth International Conference on Contracts (February 23, 2018 – Barry University Law School, Orlando, FL) *Contract Law Bargains for a New Audience*.
- Texas Aggie Bar Association CLE (October 20, 2017 – Texas A&M University School of Law San Antonio Center) *Navigating the (Not Quite) Free Market for Contractual Choice of Law*.
- Central States Law Schools Association Annual Scholarship Conference (October 7, 2017 – Southern Illinois University School of Law) *Masters of Jurisprudence? Law Schools Seek a New Audience*.
- Twelfth International Conference on Contracts (February 25, 2017 – Southwestern Law School, Los Angeles, CA) *Empirical Approaches in Contract Scholarship* (moderator).
- Legal Writing Institute Workshop (December 9, 2016 – University of Texas School of Law) *Thinking Like a Transactional Lawyer*.
- Central States Law Schools Association Annual Scholarship Conference (September 24, 2016 – University of North Dakota School of Law) *Lawyers Beyond Automation in a Blockchain World*.
- 17th Biennial Conference of the Legal Writing Institute – Portland, Oregon (July 11, 2016) *Contracts as Thinking Like a Transactional Lawyer* (part of a panel entitled *Legal Writing Without Borders*).
- PAYMENTS 2016 by NACHA – The Electronic Payments Association (April 18, 2016, Phoenix, Arizona) *On the Regulatory Frontier: Developing Insights from Payment Transactions* (panel with Jason Korosec of MasterCard Advisors and David Stewart of Georgetown University School of Law).
- Eleventh International Conference on Contracts (February 26, 2016 – St. Mary's University School of Law) *Navigating the Divide Between Private Contract and Public Interest: The Case of Emerging Payment Systems*.

- Texas Tech University School of Law – Faculty Exchange (January 28, 2016) *Commercial Law's Past Prologue: The Governance of Emerging Payment Systems*.
- Michigan State University School of Law – Junior Faculty Workshop (October 23, 2015) *Apple Pay, Bitcoin, and Consumers: The ABCs of Future Public Payments Law*.
- Texas A&M University School of Law - Faculty Development Speaker Series (October 21, 2015) *Apple Pay, Bitcoin, and Consumers: The ABCs of Future Public Payments Law*.
- NACHA – The Electronic Payments Association (August 4, 2015) *UCC Article 4A & the ACH Network: What You Need to Know* (Webinar co-taught with Paul A. Carrubba, Adams & Reese, LLP).
- Southeastern Association of Law Schools (SEALS) 2015 Conference (August 1, 2015) Organizer, moderator, and speaker on a five-professor panel entitled “Thinking Outside the Four Corners of Contract Doctrine.”
- Corporate Counsel Section of the Tarrant County Bar Association (June 3, 2015) *Navigating the (Not Quite) Free Market for Contractual Choice of Law* (CLE presentation).
- Tenth International Conference on Contracts (February 27, 2015 – University of Nevada – Las Vegas, William S. Boyd School of Law) *Thinking Outside the Four Corners of Contract Doctrine in the Legal Education Crisis* (part of a panel entitled “Sacred Cows”).
- Texas A&M University School of Law - Junior Faculty Series (February 19, 2015) *Seeking Lawyers Beyond Automation in a Bitcoin World*.
- Gonzaga University School of Law (January 29, 2015 - South Central Association of Law Schools (SCALS) Faculty Exchange Program) *Thinking Outside the Four Corners of Contract Doctrine in the Legal Education Crisis*.
- Texas A&M University School of Law - Faculty Development Speaker Series (October 1, 2014) *Too Clever by Half: Reflections on Perception, Legitimacy, and Choice of Law Under Revised Article 1 of the Uniform Commercial Code*.
- University of Arkansas at Little Rock William H. Bowen School of Law (November 1, 2013 - South Central Association of Law Schools (SCALS) Faculty Exchange Program) *Without Precedent: Legal Analysis in the Age of Non-Judicial Dispute Resolution*.
- The University of Texas School of Law (February 28, 2013 - Invited Faculty Development Speaker for the Legal Writing Program) *Getting on Track, Staying on Track*.
- Eighth International Conference on Contracts (February 22, 2013 – Texas Wesleyan University School of Law) *Doctrine? What Doctrine? Contracts in the Age of Withering Stare Decisis* (part of a panel entitled “Frontiers of Doctrine”).
- Legal Writing Institute Regional Conference (December 7, 2012 – Texas Wesleyan University School of Law) *Statutory Interpretation and Stare Decisis in an Age of Outsourcing: Are Our Students Ready to Play Judge Yet?*

- Reforming and Renewing the Education of the Professions: An Interactive Vision of Professionalism (September 21, 2012 – University of North Texas Health Science Center) Facilitator: “Finding Common Ground: A Guided Discussion Among the Professions.”
- Seventh International Conference on Contracts (March 3, 2012 – Thomas Jefferson School of Law, San Diego, California) *Too Clever by Half: A Cautionary Tale in Socio-Legal Legitimacy Starring the Uniform Commercial Code.*
- 14th Annual Conference of the Association for the Study of Law, Culture, and Humanities (March 12, 2011 – University of Nevada, Las Vegas) *We the Muggles: On Wizardry and Legislative Process* (part of a panel entitled “Law, Literature, and the Arts on Both Sides of the Big Pond”).
- 2011 National Conference of the J. Reuben Clark Law Society (February 19, 2011 – SMU Dedman School of Law) Panel Speaker: “Becoming a Law Professor: Pathways into Academia.”

Elected Faculty Service Highlights:

- Chair, School of Law Faculty Governance Committee (2018-present)
- Texas A&M University Faculty Senator for the School of Law (2021-present)
- Executive Committee Member, Texas A&M University Faculty Senate (2022-present)

Teaching Awards:

- Texas A&M Association of Former Students Distinguished Achievement Award – College Level (2023-2024)
- LARW Professor of the Year (2014)
- LARW Professor of the Year (2008)

Education:

- **The University of Texas School of Law**
Academics: J.D. with honors, May 1997.
Activities: *Texas Law Review* Associate Editor and Member • Teaching Quizmaster (“TQ”) student LRW instructor for first-year students • TQ Program Coordinator and TQ Training Director • Member, Legal Research Board, • Member, Board of Advocates.
- **University of Houston**
Bachelor of Arts (*summa cum laude* University Honors with Honors in Major), May 1992.

Professional Memberships and Licenses:

- Central States Law Schools Association
 - President & Conference Organizer (2017-2018); Treasurer (2016-2017)
- Legal Writing Institute (2004 – present).

- State Bar of Texas (including Business Law, Appellate, and Litigation sections)
- American Bar Association (including sections on (1) Legal Education & Admissions to the Bar, (2) Business Law, and (3) Litigation)
- Tarrant County Bar Association
- Practice Licenses (federal court licenses may be inactive):
 - All Texas state courts
 - United States Court of Appeals for the Fifth Circuit
 - United States Court of Appeals for the Eighth Circuit
 - United States District Court for the Northern District of Texas
 - United States District Court for the Eastern District of Texas
 - United States District Court for the Southern District of Texas

Published Cases as Counsel of Record:

- *Potter v. NP Anderson Cotton Exchange, L.P.*, 230 S.W.3d 457 (Tex. App.—Fort Worth 2007, no pet.).
- *FFP Mktg., Inc. v. Long Lane Master Trust IV*, 169 S.W.3d 402 (Tex. App.—Fort Worth 2005, no pet.).
- *Vespa v. National Health Ins. Co.*, 98 S.W.3d 749 (Tex. App.—Fort Worth 2003, no pet.).
- *Maddox v. American Airlines, Inc.*, 298 F.3d 694 (8th Cir. 2002).
- *Armstrong v. Steppes Apartments, Ltd.*, 57 S.W.3d 37 (Tex. App.—Fort Worth 2001, pet. denied), *cert. denied*, 536 U.S. 951 (2002).
- *In re Air Disaster at Little Rock, Arkansas on June 1, 1999*, 125 F. Supp. 2d 357 (E.D. Ark. 2000).

Previous Professional Experience:

- **Bodoin, Burnside, Burge & Agnew, P.C.** **2000 to 2005**
Fort Worth, Texas
Partner handling civil litigation and associated transactional drafting in the areas of banking, Uniform Commercial Code, contracts, and commercial torts (*e.g.* defamation, fiduciary breach, real estate fraud), including serving as day-to-day client-counseling contact for institutional and individual clients.
- **Andrews Kurth, L.L.P.** **2000**
Dallas, Texas
Associate with motion practice in United States Bankruptcy Courts in chapter 7 and chapter 11 cases, and in adversary proceeding and other debtor “satellite” litigation; research and writing emphasis was in areas of director and officer fiduciary liability and liability insurance coverage.
- **Hill Gilstrap, P.C.** **1997 to 2000**
Arlington, Texas
Commercial litigation associate with increasing case management responsibilities.

Teaching Profile (Fall 2011 – Present):

Fall 2023:

- Electronic Payment Systems
- Legal Analysis, Research & Writing I
- Contract Law & Strategies (online graduate course)
- Global Lawyering: The Channel Islands (Part 2) (co-taught with Andrew Morriss)

Spring 2023:

- Contracts
- Legal Analysis, Research & Writing II
- Contract Law & Strategies (online graduate course)
- Global Lawyering: The Channel Islands (Part 1) (co-taught with Andrew Morriss)

Fall 2022:

- Legal Analysis, Research & Writing I
- Contract Law & Strategies (online graduate course)

Spring 2022:

- Electronic Payment Systems
- Legal Analysis, Research & Writing II
- Contract Law & Strategies (online graduate course)

Fall 2021:

- Legal Analysis, Research & Writing I

Summer 2021:

- Legal Analysis & Writing for Clients (online graduate course)

Spring 2021:

- Contracts (plus enhanced academic support)
- Legal Analysis, Research & Writing II

Fall 2020:

- Legal Analysis, Research & Writing I
- Contract Law & Strategies (online graduate course)
- Legal Analysis & Writing for Clients (online graduate course)
- Global Lawyering: The Channel Islands (Part 2) (co-taught with Andrew Morriss)

Spring 2020:

- Contracts (plus enhanced academic support)
- Contract Law & Strategies (online graduate course)
- Legal Analysis & Writing for Clients (in-person San Antonio graduate course)
- Global Lawyering: The Channel Islands (Part 1) (co-taught with Andrew Morriss)

Fall 2019:

- Contracts (in-person San Antonio graduate course)
- Contract Law & Strategies (online graduate course)
- Introduction to the U.S. Legal System (in-person San Antonio graduate course coordinator)

Spring 2019:

- Legal Analysis & Writing for Clients (in-person San Antonio graduate course)

Fall 2018:

- Contracts (in-person San Antonio graduate course)
- Payment Systems (hybrid course)

Spring 2018:

- Contracts
- Legal Analysis & Writing for Clients (in-person San Antonio graduate course)

Fall 2017:

- Contracts (in-person San Antonio graduate course)
- Legal Analysis, Research & Writing I

Spring 2017:

- Contracts
- Legal Analysis, Research & Writing II

Fall 2016:

- Payment Systems (hybrid course)
- Legal Analysis, Research & Writing I

Spring 2016:

- Contracts

Fall 2015:

- Payment Systems (hybrid course)
- Legal Analysis, Research & Writing I

Spring 2015:

- Contract Drafting
- Legal Analysis, Research & Writing II

Fall 2014:

- Payment Systems (hybrid course)
- Legal Analysis, Research & Writing I

Spring 2014:

- Contract Drafting
- Legal Analysis, Research & Writing II

Fall 2013:

- Payment Systems
- Legal Analysis, Research & Writing I

Summer 2013:

- Sales & Leases

Spring 2013:

- Contract Drafting
- Legal Analysis, Research & Writing II

Fall 2012:

- Payment Systems
- Legal Analysis, Research & Writing I

Summer 2012:

- Sales & Leases

Spring 2012:

- Contract Drafting
- Legal Analysis, Research & Writing II

Fall 2011:

- Payment Systems
- Legal Analysis, Research & Writing I