

LEONARD GROSS

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Carbondale, Illinois 62901
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LEGAL EDUCATION

BOSTON UNIVERSITY SCHOOL OF LAW
J.D. Magna Cum Laude. June, 1976.

Class Standing:

Third year class standing: 1, class of 427.
Cumulative standing: 3, class of 427.

Activities:

Editor, Boston University Law Review.

NEW YORK UNIVERSITY

Six courses in L.L.M. tax program.

EMPLOYMENT

1993 - Present

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW
Professor

1987 - 1993

Associate Professor

1983 - 1987

Assistant Professor

Subjects taught: Legal Profession, Agency & Partnership, Corporations, Remedies, Individual Federal Income Taxation, Evidence, Pre-trial Advocacy, Interviewing and Counseling, Legal Writing and Legal Argumentation.

Spring, 2007
Spring 2008

ST. LOUIS UNIVERSITY
Visiting Professor

Spring 2008,
Fall 2007, Fall 2006,
Spring 2006, Fall 2005,
Fall, 2004,
Summer 2004,
Spring and Fall 2003,
Spring, 1998,
Spring, 1997
and Summer, 1995

WASHINGTON UNIVERSITY SCHOOL OF LAW
Visiting Professor

Summer, 2002

UNIVERSITY OF SAN DIEGO
Visiting Professor

Service:

Reporter, 1992 Illinois Judicial Conference (sanctions in civil cases);
Reporter, 1988 Illinois Associate Judges Conference (judicial ethics);
Reporter, Fall 1988 Illinois Judicial Conference (judicial ethics);
Member, Carbondale Elementary School Board Dist. 95 and Chair of Finance
Committee (Aug. 1991-Nov. 1993);
Member of SIU Judicial Review Board (2007-present);
Chair, So. Illinois Chapter of ACLU (1995-1999); Board Member (1999-present);
Secretary and Treasurer, Helen Gross Foundation, Inc. (1983-89);
Member, SIU committee to revise grievance procedures (1999-2000);
Member, SIU committee to revise Student Code of Conduct (1996);
Member, University Research Committee (1989);
Member, SIU Student Conduct Review Board (1990-91);
Faculty Examiner for Ethics Offenses, SIU Law School (1989-1995, 2003- present);
Adviser to ABA National Appellate Advocacy Moot Court Team;
Chair, Law School Admissions Committee (1999-2001)
Chair, Faculty Appointments Committee (2001- 2003);
Member, Law School Dean Search Committee (2002);
President, Jewish Federation of Southern Illinois (2005- 2007);
President, Congregation Beth Jacob (1994-1996), Secretary, (1996–2006);
Past Member of Carbondale Board of Housing Appeals;
Faculty Advisor, SIU Hillel

Award: Voted Outstanding Teacher of the Year by Class of 1989.

1977 - 1983

SHEARMAN & STERLING, New York, New York
Principally in litigation.

1976 - 1977

Clerk to Judge Brown, Massachusetts Appeals Court

BOOKS

Remedies: Damages, Equity and Restitution (4th ed. LEXIS 2009 and 3rd ed. LEXIS 2002) (with Thompson, Sebert and Robertson)

Organizing Corporate and Other Business Enterprises (6th ed. LEXIS 2000 and 2001, 2002, 2003 2004, 2005, 2006, 2007,2008 and 2009 supplements) (with M. Lee and D. Meyers);

Supreme Court Appointments: Judge Bork and the Politicization of Senate Confirmations (SIU Press Oct. 1998) (with N. Vieira);

Agency and Partnership (Emanuel Publishing Corp. April 1998).

BOOK CHAPTERS

Avoiding Malpractice and Disciplinary Sanctions, chapter in **The Lawyer's Handbook** (3rd ed. ABA and Michigan ICLE 1992) (with Haynsworth).

**ARTICLES
WRITTEN AT SIU**

What Duties does Corporate Counsel Owe to Minority Shareholders in a Closely Held Corporation, 35 *Ohio Northern University Law Review* 987 (2009).

Should Parties' Disclosure Requirements for Arbitrators Be Honored by Courts: *Positive Software Solutions, Inc. v. New Century Mortgage Corporation*, 33 *SIU Law Journal* 71 (2008) (with Howard Wieder).

Are Differences Among the Attorney Conflict of Interest Rules Consistent with Principles of Behavioral Economics, 19 *Geo. J. Legal Ethics* 111 (2006).

Time and Tide Wait for No Man: Should Lost Personal Time Be Compensable, 33 *Rutgers L. J.* 683 (2002).

Objectives of Remedies: Damages, Equity and Restitution, 39 *Brandeis L. J.* 529 (2001);

The Public Hates Lawyers: Why Should We Care?, 29 *Seton Hall L. Rev.* 1405 (1999);

Supreme Court Rule 219: The Consequences of Refusal to Comply with Rules or Orders Relating to Discovery or Pretrial Conferences, 24 *Loy. U. Chi. L.J.* 471 (1993);

Suppression of Evidence as a Remedy for Attorney Misconduct: Shall the Sins of the Attorney Be Visited Upon the Client?, 54 *Alb. L. Rev.* 437 (1991);

The Appointments Clause: Judge Bork and The Role of Ideology in Judicial Confirmations, 11 *The Journal of Legal History* 311 (1990) (co-authored with N. Vieira);

Ethics--Proposed Changes to the Illinois Code of Professional Responsibility, 12 *S. Ill. U.L.J.* 933 (1988) (condensed in 77 *Ill. B.J.* 134 (1988);

Legal Ethics for the Future: Time to Clean Up Our Act?, 77 *Ill. B.J.* 196 (1988) (*cited in* S. Linowitz, **The Betrayed Profession** 143 (1995);

Legal Ethics, 11 *S. Ill. U.L.J.* 829 (1987);

Contractual Limitations on Attorney Malpractice Liability: An Economic Approach, 75 *Ky. L.J.* 793 (1987);

Judicial Speech: Discipline and the First Amendment, 36 *Syracuse L. Rev.* 1181 (1986);

Ethical Problems of Law Firm Associates, 26 *Wm. & Mary L. Rev.* 259 (1985) (reprinted in ABA, *Eleventh National Conference on Lawyers' Professional Responsibility* (1985)).

**ARTICLE WRITTEN
WHILE LAW CLERK**

Future Judicial Oversight of The Conduct of Custodial Interrogations: A Growing Massachusetts Responsibility, 62 *Mass. L.Q.* 143 (1977) (co-authored with Judge Brown).

BAR ADMISSIONS

Admitted to practice in Illinois, New York and Massachusetts (inactive in Massachusetts).

PUBLIC

Ethical Issues While Representing Prisoners Pro Bono in Civil Rights Litigation, CLE forum sponsored by the Federal Court for the Southern District of Illinois, Southern Illinois University, Oct. 22, 2009, E. St. Louis, Oct. 23, 2009.

PRESENTATIONS

Duties Owed by Corporate Counsel to Minority Shareholders in Closely Held Corporations, Ohio Northern University Law Review Symposium on "The Role of Ethics in the Corporate Landscape, March 20, 2009.

How to Handle Difficult and Mentally Ill Clients, Southern Illinois American Inns of Court, Herrin, IL, October 14, 2008.

Corporate Attorney-Client privilege, ISBA sponsored CLE symposium in Springfield, June 13, 2008

Problems with Civility Initiatives for Civil Litigation, Allerton Conference sponsored by ISBA Civil Practice Section, April 25, 2008.

Could Funeral Protesting Church Win Appeal, KFVS TV, channel 12, November 2, 2007.

Coordinated presentation to the Southern Illinois chapter of American Inns of Court on "Legal Trivia" (Sept. 2007).

Presentation: "So You Want to be a Judge?" Southern Illinois American Inns of Court, November 14, 2006.

Clients Right to Discharge their Counsel, WSIL TV, channel 3, July 27, 2006.

"Legal Ethics Professor Says Cueto's Candidacy Not Valid," Madison County Record, July 12, 2006.

Ethics Presentation to 2006 Federal Practice Seminar (Bar Association for the Central and Southern Federal Districts of Illinois), June 23, 2006.

Appeared on "Life in the Law," KTRS 550, April 15, 2006 (spoke on the public's opinion of lawyers).

Quoted in Roh, "Dems Slam Alito's Alumni Group, Foxnews.com , Jan. 12, 2006.

Quoted in "The Online News Hour: The Samuel Alito Nomination, December, 2005.

Presentation on Hate Speech to European Media Law Forum, SIU Communications Building, Sept. 19, 2005.

Poster Presentation to Legal Profession Section of AALS conference, Jan. 2005.

Patriot Act, Jewish Christian Muslim conversation series, Unitarian Fellowship, Carbondale, April 19, 2004.

Pledge of Allegiance, WDBX Radio, April 5, 2004.

Spoke about church state issues facing school district in Southern Illinois, WJPF Radio, Nov. 25, 2003.

Debated Gay Marriage, ACLU and SIU School of Law, Oct. 16, 2003.

"Preventing Hate Crimes," Making Rural Illinois Safer (Illinois Department of Public Health), June 26, 2003.

Debated the Patriot Act, WDBX radio, June 2003.

Attorney-Client Privilege, WDBX radio, Nov. 20, 2001.

Debated SIU Student Code of Conduct, SIU School of Law, December, 2000.

Presentation on Hate Crimes, SIU Resident Assistants, October 24, 2000.

"Legal Ethics in Drunk Driving Cases," Mothers Against Drunk Driving, Belleville, Illinois, June 2000.

"The Ten Commandments Go to School," Legal Educational And Sociological Perspectives, ACLU, December 2, 1999.

Presentation to the Harrisburg, Illinois School Board on the illegality of posting the Ten Commandments in Public School, November 16, 1999.

Presentation on "Lying Clients," Southern Illinois American Inns of Court, February 8, 2000.

Presentation on "Voir Dire," Southern Illinois American Inns of Court, March 9, 1999).

Keynote speaker, United States District Court for the Southern District of Illinois, Court Retreat, "Judicial Disqualification and Code of Conduct for Judicial Employees," May 7-8, 1998.

"The Adversary System," 30 minute Accent public affairs program on WPSD television, Paducah, Ky., Spring 1998.

1998. Panel member discussing "Religion and the Law," WDBX radio, Fall

Lectured on "Judaism's Contributions to Present Day U.S. Law," SIU Hillel Foundation, October 6, 1998.

Debated: "Should Hate Crime Legislation Protect Sexual Orientation?" ACLU, December 3, 1998.

"Misuse of Judicial Office," American Judicature Society Midwest Judicial Ethics Form, Chicago, Fall, 1988.

"Avoiding Legal Malpractice," Alexander County Bar Association Meeting, Cairo, June, 1989.

"Ethical Obligation of Government Attorneys," Government Bar Association on Professionalism and Ethics, Springfield, July, 1989.

Participant, Symposium on "Gender Bias," SIU Law School, Oct., 1989.

Participant, Debate on Legalization of Gay Marriages, 1991.

Testified, State of Illinois Task Force Hearing on School Finance. Oct. 13, 1992.

Lecturer, USIA Summer Institute in the American Political System, Southern Illinois University, Carbondale. Topic: "The Role of Bar Associations in American Law." July 1993.

Conducted mock trial, Carbondale Elementary School, April, 1994.

Lecturer, SIU Law School Faculty on "Sexual Harassment on Campus," April, 1995.

Lectured on "Attorney Television Advertising" to Law Student Fraternity, Phi Delta Phi, November 1995.

Lectured on "Ethical Problems in Representing the Elderly" to the SIU Law School Clinic, November, 1995.

AMICUS BRIEFS

Authored amicus curiae brief (joined by 11 other Legal Ethics professors) in *Weider v. Skala*, 80 N.Y.2d 628, 609 N.E.2d 105, 593 N.Y.S.2d 752 (1992) (establishing cause of action for law firm associate wrongfully discharged for complying with ethics rules) (*cited in D. Margolick, At the Bar* 135 (1995)).

Leonard Gross Résumé

Authored amicus curiae brief in *Bohatch v. Butler & Binion*, 1998 WL 19482 (Tex. 1998), discussed in National Law Journal, March 9, 1998 at B1.

BOOK REVIEWS

Reviewed R. Liebman, Death by Rodrigo, Queens Bar Bulletin, January 2008; G. Minda, Boycotts in American Law and Culture, J. Doud, The RAPIER: Memoirs of a Forensic Document Examiner and Kenneth Manaster, Integrity of the Judgments: The Illinois Supreme Court Scandal of 1969 and the Emergence of John Paul Stevens for SIU Press.

EXPERT WITNESS Expert witness in legal ethics and legal malpractice cases. Testified as an expert witness in 18 cases. Have served as a consulting expert on legal ethics matters. Represented clients accused of ethical misconduct before the Illinois ARDC.