

RESUME
David Morris Phillips
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Present Position: Professor of Law,
Northeastern University School of Law

Education:

Brandeis University, 1960-1964, B.A., cum laude with Honors in Politics

Columbia University School of Law, 1964-1967, J.D., magna cum laude

Board of Editors, Columbia Law Review
James Kent Scholar, 1966-1967
Harlan Fiske Stone Scholar, 1964-1965; 1965-1966
Dean's Honor Scholarship, 1965-1966; 1966-1967
Vice Chairman, Board of Student Advisers

Professional Experience:

Law Clerk to Justice Walter V. Schaefer, Illinois Supreme Court, 1967-1968

Lecturer, Seoul National University Graduate School of Law, 1968-1970

International Fellow (Seoul, Korea), International Legal Center, 1968-1970

Fulbright Scholar, 1969-1970

Consultant to Dr. Carl F. Bartz, Jr., United States Cultural Attache to the Republic
of Korea, 1968-1970

Consultant to International Legal Center, Agency for International Development
(AID) -Korea Legal Development Program, September to December, 1970

Consultant to International Legal Center, AID - Korea Program, AID Conference in
Washington, D.C., August, 1971

Associate, Stroock & Stroock & Lavan, 61 Broadway, New York, New York,
1971-1973

Consultant to Office of International Finance and Investment, United States

Department of Commerce, Foreign Investment in the United States, October 1975 to April 1976

Consultant to District of Columbia Bar, Manuals on Foreign Investment in the United States, 1977-1979

Associate Professor, Boston University School of Law, 1973-1979

Professor, Boston University School of Law, 1979-1984

Adjunct Professor, Northeastern University School of Law, 1978-1984

Adjunct Professor, Harvard University Extension's Certificate Program of Special Studies in Administration and Management, 1982 to present

Visiting Research Professor, Hebrew University Faculty of Law, Spring 1983

Visiting Professor, University of Virginia School of Law, Spring 1985

Visiting Professor, University of Michigan Law School, Summer 1985

Professor, Northeastern University School of Law, 1985 to present

Co-Reporter, (with David Herwitz), Project to Revise the Massachusetts Business Corporation Law (sponsored by the Corporate Law Section of the Boston Bar Association), 1988 to 2003

Membership in Professional Organizations:

Member of the Bars of Illinois (1967-68), New York (1971-73), Massachusetts (1980 -- present), Republic of Korea (honorary; 1970)

Association of American Law Schools (1973 – present)

Published writings and formal presentations (with distributed papers)

The Role of the Law Schools in the Developing Nations (World Peace through Law Conference, Bangkok, 1969)

Search and Seizure: Admissibility of Illegally Acquired Evidence Against Third Parties, 66 COLUM. L. REV. 500 (1966)

The Right to Counsel in Civil Litigation, 66 COLUM. L. REV. 1322 (1966)

LEGAL RESTRAINTS ON FOREIGN DIRECT INVESTMENT IN THE UNITED STATES, published as Appendix K in 7 REPORT TO CONGRESS, FOREIGN INVESTMENT IN THE UNITED STATES (U.S. Department of Commerce, April 1976)

Foreign Investment in the United States: The Defense Industry, 56 B.U. L. REV. 843 (1976)

Federal Restrictions on Aviation and Aeronautics (with A.J. Mirabito) in FOREIGN INVESTMENT IN THE UNITED STATE'S LEGAL ISSUES AND TECHNIQUES (J. Marans,

et. al., eds. 1977)

Foreign Investment in U.S. Communications (with J. Marans), in FOREIGN INVESTMENT IN THE UNITED STATES, LEGAL ISSUES AND TECHNIQUES (J. Marans et. al., eds. 1977)

Federal Restrictions on Foreign Investment in Energy Resources (with J. Marans), in FOREIGN INVESTMENT IN THE UNITED STATES, LEGAL ISSUES AND TECHNIQUES (J. Marans, et. al., eds. 1977)

Federal Restrictions Affecting Foreign Investment in the Maritime Industries (with G. Quardrino), in FOREIGN INVESTMENT IN THE UNITED STATES, LEGAL ISSUES AND TECHNIQUES (J. Marans, et. al., eds. 1977)

Restraints on Foreign Investment in the Merchant Marine - An Asset or Liability to United States Interests?, 11 CORNELL INT'L L.J. 1 (1978)

Flawed Perfection: From Possession to Filing Under Article 9,

Part I, 59 B.U. L. REV. 1 (1979)

Part II, 59 B.U. L. REV. 209 (1979)

Managerial Misuse of Property: The Synthesizing Thread in Corporate Doctrine,
32 RUTGERS L. REV. 184 (1979)

Federal Restrictions on Aviation and Aeronautics (with J. Paugh), in FOREIGN INVESTMENT IN THE UNITED STATES 1980, LEGAL ISSUES AND TECHNIQUES (with J. Marans, et. al., eds. 1980)

Foreign Investment in United States Communications (with J. Jost), in FOREIGN INVESTMENT IN THE UNITED STATES 1980, LEGAL ISSUES AND TECHNIQUES (with J. Marans, et. al., eds. 1980)

Federal Restriction on Foreign Direct Investment in Energy Resources, (with J. Marans), in FOREIGN INVESTMENT IN THE UNITED STATES 1980, LEGAL ISSUES AND TECHNIQUES (with J. Marans, et. al., eds. 1980)

Federal Restrictions Affecting Foreign Investment in the Maritime Industries (with G. Quardrino), in FOREIGN INVESTMENT IN THE UNITED STATES 1980, LEGAL ISSUES AND TECHNIQUES (J. Marans, et. al., eds. 1980)

Remarks in THE CHANGING ROLE OF THE CORPORATE ATTORNEY, 96, 104, 130, 134, 137 (W. Carney, ed. 1982)

Products Liability of Successor Corporations: A Corporate and Commercial Law Perspective, 11 HOFSTRA L. REV. 249 (1982)

The Commercial Culpability Scale, 92 YALE L. J. 228 (1982)

Foreign Investment in United States Communications (with J. Jost), in MANUAL OF FOREIGN INVESTMENT IN THE UNITED STATES (J. Marans, et. al., eds. 1984)

Ethics and Disclosure, in CORPORATE GOVERNANCE AND INSTITUTIONALIZING ETHICS: PROCEEDINGS OF THE FIFTH NATIONAL CONFERENCE ON BUSINESS ETHICS 107 (W. Hoffman et. al., eds. 1984)

Principles of Corporate Governance: A Critique of Part IV, 52 GEO. WASH. L. REV. 653 (1984)

Secured Credit and Bankruptcy: A Call for the Federalization of Personal Property Security Law, 50 LAW & CONTEMP. PROBS. 53 (1987)

An Essay: The Competing Currents of Rule 10b-5 Jurisprudence, 21 INDIANA L. REV. 625 (1988).

Opinion – Public Service Graduation Requirement?, II THE EYE ON PUBLIC INTEREST (The Public Interest Newsletter of Northeastern University School of Law) No. 3 (January, 1993)

Draft of revised MASSACHUSETTS BUSINESS CORPORATION LAW, originally introduced as House Bill 2112 in 2001 and enacted in November, 2003 with an effective date of July 1, 2004 (co-Reporter, with David Herwitz, of Boston Bar Association Corporate Law Section Steering Group and Task Force)

Management Lessons That Could Teach McKinsey & Co., THE FORWARD at 8 (June 15, 2001)

Five Legal Pitfalls Confronting Managers, CSS NEWS at 2 (Winter 2002)

Corporate Gifts should be Disclosed, with M. Bohnen, 14 THE CHRONICLE OF PHILANTHROPY 39 (March 21, 2002)

Once upon This Island, THE FORWARD at 15, col. 2 (August 30, 2002)

The Pyrrhic Liability Explosion (Distributed paper at Hebrew University Faculty of Law Seminar, Jerusalem November 13, 2002 and Tel Aviv University Faculty of Law Seminar, Tel Aviv, November 27, 2002)

FROM THE PROTOCOLS OF THE ELDERS OF ZION TO HOLOCAUST DENIAL TRIALS, CHALLENGING THE MEDIA, THE LAW AND THE ACADEMY (Vallentine Mitchell London 2006) (Co-editor with Debra Kaufman, Gerald Herman and James Ross).

The Unexplored Option: Jewish Settlements in a Palestinian State, 25 PENN ST. INT'L L. REV. 75 (2006)

THE ILLEGAL SETTLEMENTS MYTH, 128 COMMENTARY 32 (DECEMBER, 2009)

Response to letters commenting on THE ILLEGAL SETTLEMENTS MYTH, 131 COMMENTARY (MARCH, 2010)

INTRODUCTION: BULLYING AND HAZING AS INSTITUTIONAL AND SOCIETAL PROBLEMS, 5 NORTHEASTERN UNIV. L. J. XI (2013)

Work in Progress

A Micro-history: The Multiple Identities of Georg Cohn and the Multiple Meanings of Article 49(6) of the 4th Geneva Convention

The Red Cross, Jews and Israel – Stockholm, August 1948

Other Presentations and conferences:

The Korean and American Criminal Process: A Statistical Analysis, paper delivered at International Seminar on Law in Korea's National Development (Seoul, 1970)

American Legal Scholarship Concerning Foreign Legal Systems, paper delivered at East Asian Law Luncheon, Harvard Law School, December 1970)

Participant, Fourth Annual Summer Economics Institute for Law Professors, University of Rochester, N.Y., June 16 to July 12, 1974

Speaker, *Bases for Statutory Evaluation*, and co-Reporter, with David Herwitz, Meetings Of Task Force on the Revision of the Massachusetts Business Corporation Law, Boston Bar Association Section of Business Law (Boston June 5, June 28 and July 19, 1989)

Race and Mortgage Lending: 1st Mortgages and 2^d Mortgages, paper delivered in Law, Culture and Difference, Northeastern University School of Law (Fall 1991)

The Jews of Lithuania – History and Legal Status, (talk delivered at Temple Emanuel, Newton, Massachusetts, September 25, 1993 and more extensive presentation at American Jewish Congress Commission on Law and Social Action, Boston, September, 1993)

The History of Legal Anti-Semitism, paper delivered in Law, Culture and Difference, Northeastern University School of Law (May 4, 1994)

Rights and Responsibilities – Did the '60's rights revolution go too far?, Brandeis University (May 21, 1994)

Introduction – Why do we commemorate the Holocaust?, Holocaust Remembrance Program, Northeastern University School of Law (April 16, 1996)

Obsession, Denial, Memory – Contrasting Responses to the Holocaust, Holocaust Remembrance Program, Northeastern University School of Law (May 1, 1997)

Obsession, Denial, Remembrance – an Introduction of Professor John Weiss, Robert Salomon Morton Memorial Lecture, Northeastern University (May 15, 1997)

Participant, ALI-ABA, The Emerged and Emerging New Uniform Commercial Code (New York December 11-13, 1997)

The Holocaust and the Church, Holocaust Remembrance Program, Northeastern University School of Law (April 22, 1998)

The Influence of the Holocaust upon our Teaching and Scholarship – in Memory of Zvi Griliches, Holocaust Memorial Ceremony, Northeastern University School of Law (May 2, 2000)

Participant, Task Force Meeting to consider revised Massachusetts Business Corporation Law (Boston, September 28, 2000)

Hostile Takeovers, Shibolet Yisraeli, Roberts, Zisman & Co. (Tel Aviv March 6, 2001)

Some Questions about Law as Remembrance, Holocaust Memorial Ceremony, Northeastern University School of Law (April 19, 2001)

Introduction of Professor Steven Katz, *Precursors to the Holocaust: Protocols of the Elders of Zion*, 1st session of interdisciplinary conference, *From the Protocols of the Elders of Zion to the Deniers of the Holocaust: Challenging the Academy, the Press and the Legal System*, Northeastern University (May 6, 2001)

Five Legal Pitfalls Confronting Managers, Opening reception for students in Harvard Univ. Ext. School Certificate of Special Studies in Administration and Management program (October, 2001)

The Political and Social Situation in Israel, talk and original slide show delivered to the General Assembly of the Graduate and Professional Student Association, Northeastern University (December 6, 2001)

Truth Claims and Anti-Semitism, Introduction to the Holocaust Memorial Ceremony, Northeastern University School of Law (April 9, 2002)

Emerging legal forms of business enterprise in the United States, Shibolet, Israeli, Roberts, Zisman & Co., Tel Aviv (Nov. 19, 2002)

The Portrait of Israel on American College Campuses, a discussion conducted with members of Bar Ilan University Faculty of Law, Ramat Gan, Israel (Nov. 26, 2002)

Israeli Settlements from a Liberal Perspective, Northeastern University Hillel (February 7, 2003)

What does it take to lay the groundwork...?, Introduction to Professor Arvin Grabel, *Nazism and the Abuse of Science*, Holocaust Memorial Ceremony, Northeastern University School of Law (May 1, 2003)

Director and officer duties, Exculpation and Indemnification, Shareholder Duties, Derivative Actions, and Distributions in THE NEW MASSACHUSETTS BUSINESS CORPORATION ACT, Massachusetts Continuing Legal Education, Boston (March 3, 2004) and Newton (March 24, 2004)

Thoughts on Universal Lessons resulting from the Holocaust, Introduction to Professor William Miles, *Lessons of the Holocaust for Rwanda*, Holocaust Memorial Ceremony, Northeastern University School of Law (April 22, 2004)

Prepared Comments on paper by Professor John Coates, *Empirical Assessment of Management Buyout Bids*, Northeastern University Faculty Seminar (January 19, 2006).

The Unexplored Option: Jewish Settlements in a Palestinian State, paper presented at Jacob D. Fuchsberg Law Center (Touro College) Faculty Colloquium (March 2, 2006) and at Northeastern University School of Law faculty colloquium (March 28, 2006)

A Micro-history: The Multiple Identities of Georg Cohn and the Multiple Meanings of Article 49(6) of the 4th Geneva Convention, Northeastern University Jewish Studies faculty presentation (November 2, 2006) and Temple Emanuel of Newton, Text at Twilight Presentation (December 2, 2006)

Prepared Comments on paper by Professor Rashmi Dyal-Chand, *Human Worth as Collateral* (November 28, 2006)

Moderator, *On the Front Line: College Students' Roundtable -- Israel on Campus*, presented by the Conservative Synagogues in Newton (Temple Emanuel October 25, 2007)

Prepared Comments on paper by Professor James Hackney, *The Enlightenment and the Financial Crisis of 2008* (April 2010)

The Pain of Remembrance, Holocaust Memorial Ceremony, Northeastern University School of Law (April 29, 2011)

Commercial law lectures at Bahcesehir University, Istanbul, Turkey, May 24-6, 2011:

The History of, and Philosophy underlying the Uniform Commercial Code (May 24, 2011)

Issues of Contractual Performance and Enforcement (May 25, 2011)

Security Interests under the Uniform Commercial (May 26, 2011)

Moderator, "Hazing: Higher Education's Most Popular Form of Bullying" panel, Northeastern University Law Journal symposium (March 20, 2012)

Holocaust Silence, Holocaust Denial, Holocaust Memorial Ceremony, Northeastern University School of Law (April 19, 2012)

Ambivalence about Holocaust Ceremonies, Holocaust Memorial Ceremony, Northeastern University School of Law (April 8, 2013)

Resurgence of Anti-Semitism, the Oldest Hatred, Holocaust Memorial Ceremony, Northeastern

University School of Law (April 23, 2014)

Dehumanization of Jews, Holocaust Memorial Ceremony, Northeastern University School of Law (April 16, 2015)

Introduction of Jeffrey Robbins, Anti-Israel Activity on American Campuses, Northeastern University School of Law (November 4, 2015)

Anti-Semitism in the form of Anti-Zionism, Holocaust Memorial Ceremony, Northeastern University School of Law (May 5, 2016)

Some Recent Blogs

A Look at Insider Trading, 11/15/13, <http://nuslblogs.org/category/faculty/david-phillips/>

What will I Learn in the First Year of Law School?, 2/28/14, <http://nuslblogs.org/category/faculty/david-phillips/>

Law and Morality, 1/25/15, <http://nuslblogs.org/2015/01/26/faculty-post-the-law-morality/#more-1956>

Line Drawing, 12/16/16, nusl blogs

Courses Taught:

Contracts, Corporations, Corporate Finance (Corporate Acquisitions), Commercial Code, Sales, Commercial Paper, Secured Transactions, Legislation, Law and Economics, Quantitative Methods for Lawyers

Committees – Northeastern University School of Law

Appointments Committee (Chair 1988-89; member, 2006-07)

Seminar Committee (Chair 1987-89)

Library Committee (Chair 1993-95)

Curriculum Committee (Chair 1994-97)

Tenure and Promotion Subcommittee, Northeastern University School of Law (Chair 2001-3; Spring, 2005; Acting Chair with respect to promotion of Assistant Professor Sonia Rolland, Fall, 2010-11; 2011-12; 2012-13; 2014-16; Chair 2020-21)

Clinics and Institutes Committee

Upper Class Writing Committee

L.L.M. Committee

Clerkship Committee (Chair 2013-16)

Committees – Northeastern University

Northeastern University Hillel Advisory Board (1986-2008)

Ad-Hoc Northeastern University Faculty Grievance Committee (concerning grievances filed by members of Philosophy and Religion Department (1991)

Northeastern University Holocaust Awareness Committee (1993-2011)

Northeastern University Jewish Studies Advisory Council (1995-present)

Ad Hoc University Committee to evaluate the Dean of the School of Management (1996-97)

Faculty Advisor, Graduate and Professional Student Association, Northeastern University 1999-2002)

Ad Hoc Provost's committee concerning appeal of dismissal of student (2001)

Planning and Steering Committee, Interdisciplinary Conference: "From the Protocols of the Elders of Zion to the

Deniers of the Holocaust: Challenging the Academy, the Press and the Legal System”, Northeastern University May 5-6, 2001

Faculty Advisor, Students for Israel at Northeastern (2002-05)

Northeastern University Standing Committee on Tenure Appeals (2003-05; 2007-08; 2010-11)

Faculty Advisor, Law Students for Israel at Northeastern (intermittent)

Northeastern University Graduate Council (2012-15)

Activities – the community

American Jewish Congress (Board, 1978-1995; member, Commission on Law and Social Action, 1978-1988)
Solomon Schechter Day School of Greater Boston (Board of Trustees 1981-94; co-chair Governance Committee; member, Investment and Endowment Committee)

Temple Emanuel of Newton (Board of Trustees, 1983-present; Vice-Chair, Board of Trustees, 1988-89; Chair, Nominating Committee, 2001, member, ad-hoc pension committee, 2001);

Brandeis University Class of '64 Reunion (Co-chair of Organizing Committee, 1994; member, Organizing Committee 1999)

Hillel Council of New England (Board, 2001-08)

Talmud Study Class, Temple Emanuel (1998-present)

Jewish Law Class, Shaarei Tefillah Synagogue (2011-17)