

JACK MICHAEL GRAVES

New York, USA

jackmgraves@gmail.com

Teaching and Scholarship (Subject Matter)

Contracts, Commercial Law, and Arbitration (*all both domestic & international*); Evidence; Professional Responsibility; Business Organizations; and Digital Lawyering (*process + technology + legal expertise = solutions delivered at scale*)

Teaching, Learning & Assessment

Extensive experience implementing evidence-based teaching and learning methods, including continuous, embedded 360-degree formative assessment in flipped, hybrid, and fully online classroom environments. Substantial experience with Canvas, Blackboard and D2L Learning Management Systems, Team-Based Learning, Peer-to-Peer Assessment driven learning, and both synchronous and asynchronous online delivery

Teaching Experience—Traditional Degree-Based Law Programs

- 2006-
(current) TOURO COLLEGE LAW CENTER – Central Islip, NY
Professor of Law & Director of Digital Legal Education and FlexTime JD Program – Teaching Contracts, Evidence, Professional Responsibility, Business Organizations, 21st Century Law Practice by Design, Expert Legal Systems, International Sales & Commercial Arbitration, and Basic Business Principles – Directing institutional development of digital delivery capabilities (distance education and technology-driven teaching and learning tools) and digital lawyering curriculum – Directing FlexTime JD Program – Providing substantial assistance to the law Center administration in improving institutional capacities in effective formative assessment – Serving as de facto Instructional Designer and Canvas LMS Administrator at the Law Center – Chairing the Curriculum Committee (on multiple occasions, and including significant recent work on developing institutional outcomes and assessment capabilities)
- 2017-
(current) iLAW Ventures
Expert Professor – Developing and administering fully asynchronous courses in International Sales & Commercial Arbitration and in Sales Law, delivered through iLaw Ventures to law schools throughout the U.S.
- 2010-2014
(Summer) INSTITUTE IN INT’L COMMERCIAL LAW & DISPUTE RESOLUTION
Founder, Director, and Faculty member – 4-week summer law program in Croatia: a cooperative venture of the University of Zagreb, the University of Pittsburgh, Touro College, and the U.N. Commission on Int’l Trade Law
- 2006
(Spring) FRANKLIN PIERCE LAW CENTER – Concord, NH
Visiting Assistant Professor – Sales Law; International Business Transactions
- 2005
(Fall) SYRACUSE UNIVERSITY COLLEGE OF LAW – Syracuse, NY
Visiting Assistant Professor – Civil Procedure; Int’l Sales Law & Arbitration
- 2005
(Summer) GEORGIA STATE UNIVERSITY COLLEGE OF LAW
Visiting Faculty – Academy in International Commercial Arbitration – Linz, Austria
- 2002-2005 STETSON UNIVERSITY COLLEGE OF LAW – Gulfport, FL
Assistant Professor – Contracts; Commercial Transactions; Sales, Leases & Licenses; Int’l Sales Law & Arbitration; Int’l Commercial Arbitration; Evidence

2001-2002 UNIVERSITY OF COLORADO SCHOOL OF LAW – Boulder, CO
Visiting Associate Professor – Contracts; Civil Procedure
Adjunct Professor – Evidence (Fall 1996); Evidence/Trial Practice (Spring 2001)

Honors *Teaching Excellence Award (Colorado 2001/2002) – Award for Service to the Law Center (Touro 2007/2008) – Faculty Advisor/Coach of students from Stetson (1st place 2005), Franklin Pierce (Honorable Mention 2006), Touro (2nd place 2008 and Honorable Mention 2009, 2011 and 2012) in the Willem C. Vis Int’l Commercial Arbitration Moot (over 250 teams from over 60 countries)*

Other Teaching Experience—Online Certificate and Other Legal Educational Programs

2013-2016 PACE LAW SCHOOL INSTITUTE OF INT’L COMMERCIAL LAW
Participating Faculty Member – Online IICL Certificate Program
Co-Founder and Participating Faculty – Vis Moot “Boot Camp” – Online global program to prepare students for participation in Willem C. Vis Int’l Commercial Arbitration Moot

2012 UNIVERSITY OF VICTORIA – Melbourne, Australia
Visiting Faculty (summer law program) – The Law of Sales and Other U.S. Commercial Law—An Overview of the Uniform Commercial Code

Publications – Books or Book Chapters

INTERNATIONAL SALES LAW & ARBITRATION: PROBLEMS, CASES & COMMENTARY (Aspen/Kluwer 2008) (with J. Morrissey)

Competence-Competence and Separability: American Style in, **INTERNATIONAL ARBITRATION AND INTERNATIONAL COMMERCIAL LAW: SYNERGY, CONVERGENCE AND EVOLUTION** (Kluwer 2011)) (with Yelena Davydan)

THE ABCS OF THE CISG (ABA 2013) (an overview of the CISG for general business lawyers)

LEARNING CONTRACTS (West 2d ed. 2019)

Court Litigation over Arbitration Agreements: Is it Time for a New Default Rule? in, **INTERACTION BETWEEN INTERNATIONAL ARBITRATION AND NATIONAL COURTS** (Juris 2015))

INTERNATIONAL SALES & COMMERCIAL ARBITRATION: A FULLY INTEGRATED ONLINE COURSE IN INTERNATIONAL SALES LAW & INTERNATIONAL COMMERCIAL ARBITRATION (self-published 2017 special edition, as part of asynchronous online course delivered in collaboration with iLaw Ventures)

Publications - Articles

Course of Performance as Evidence of Intent or Waiver: A Meaningful Preference for the Latter and Implications for Newly Broadened Use under Revised U.C.C. § 1-303, 52 DRAKE L. REV. 235 (2004)

Party Autonomy in Choice of Commercial Law: The Failure of Revised U.C.C. § 1-301 and a Proposal for Broader Reform, 36 SETON HALL L. REV. 59 (2005)

The Willem C. Vis Int’l Commercial Arbitration Moot: Making the Most of an Extraordinary Educational Opportunity, 10 VINDOBONA J. 173 (2006) (with Stephanie Vaughan)

ICA and the Writing Requirement: Following Modern Trends towards Liberalization or Are We Stuck in 1958? 3 BELGRADE L. REV. 36 (Int’l ed. 2009)

Arbitration as Contract: The Need for a Fully Developed and Comprehensive Set of Statutory Default Legal Rules, 2 WILLIAM & MARY BUS. L. REV. 225 (2011)

CISG Article 6 and Issues of Formation: The Problem of Circularity, 3 BELGRADE L. REV. 124 (Int'l ed. 2011), reprinted in 15 VINDOBONA J. 105 (2011)

Penalty Clauses and the CISG, 30 J. L. & COMM. 153 (2012)

Court Litigation over Arbitration Agreements: Is it Time for a New Default Rule? 23 AM. REV. OF INT'L ARB. 113 (2012)

Penalty Clauses as Remedies: Exploring Comparative Approaches to Enforceability, 29 TOURO L. REV. 681 (2013) (published as part of a contracts symposium held in Netanya, Israel)

An Essay on Rebuilding and Renewal in American Legal Education, 29 TOURO L. REV. 375 (2013)

A More Cost-Effective Model for Legal Education, NYSBA Journal (September 2013, as part of a special issue on legal education and admission to the bar)

Fiduciary Duties of LLC Managers: Are They Subject to Prospective Waiver under the New York LLC Statute? 31 TOURO L. REV. 439 (2015) (with Yelena Davydan)

Leveraging Technology for More Cost-Effective Arbitration of Cross-Border Commercial Disputes: An Introduction to the Range of Possibilities with a Focus on MSMEs, 1 J. Tech. Int'l Arb. 35 (2015)

Educating Tomorrow's Lawyer for Digital Success, NYLJ (Special Law School Section, August 17, 2015 (with Patricia Salkin)

Uniformity under Article 7—What Is It and Where Do We Find It? (invited article, in progress, to be published by the Journal of Law and Commerce as part of 2019 conference on the CISG at Middle Age held at the University of Pittsburgh).

Presentations & Conferences

Arbitration as Contract: The Importance of Default Rules – presented at the 2nd Annual Int'l Contracts Conference, held at South Texas College of Law, Houston Texas – Feb. 2007

Arbitration as Contract: The Importance of Default Rules – presented by invitation at “Getting on Top of International Commercial Law and Arbitration,” held at the University of Pittsburgh School of Law on March 28, 2008

Conference Organizer, Moderator, and Speaker (**“Opting In” or “Opting Out” of the CISG in Court or Arbitration**) of a conference on the United Nations Convention on Contracts for the International Sale of Goods, held at Touro Law Center on April 11, 2008

ICA and the Writing Requirement: Following Modern Trends towards Liberalization or Are We Stuck in 1958? – presented by invitation at the Belgrade Arbitration Conference, held at the University of Belgrade Faculty of Law on March 27, 2009

CISG Article 6 and Issues of Formation: The Problem of Circularity – presented by invitation at the international conference on “Uniform Sales Law: The CISG at Its 30th Anniversary,” held at the University of Belgrade Faculty of Law on November 12 and 13, 2010

“Penalty” Clauses as Damages: A Question of Validity Not Governed by the CISG – presented (*in the form of a debate on the issue with Dr. Bruno Zeller*) at the 6th Annual International Contracts Conference, held at Stetson University School of Law, on February 18 and 19, 2011

Nuts & Bolts of the CISG v. the UCC – presented as part of the International Practice Boot Camp at the fall 2011 meeting of the ABA Section of International Law, held in Dublin, Ireland, on October 14, 2011

Disparate National Laws and Court “Skirmishes” over Enforcement of Arbitration Agreements: Is it Time for a New Default Rule? – presented at a works-in-progress conference held in association with “Border Skirmishes: The Intersection between Litigation and International Commercial Arbitration,” at Univ. of Missouri School of Law, on October 20, 2011

Penalty Clauses as Remedies: Exploring Comparative Approaches to Enforceability – presented at a Symposium on “Law of Contract or Laws of Contracts,” held at Netanya Academic College, in Netanya, Israel, on December 14, 2011

Court Litigation over Arbitration Agreements: Is it Time for a New Default Rule? – presented at the 7th Annual Int’l Contracts Conference, held at Thomas Jefferson School of Law, on March 2 and 3, 2012

“Could Not Have Been Unaware”—Are We Aware of its Meaning under CISG Art 8? – presented at the 7th Annual Int’l Contracts Conference, held at Thomas Jefferson School of Law, on March 2 and 3, 2012

Applying International Sales Law: Assessing the “Gravity” of a Breach of Contract – presented at Int’l Arbitration in Study and Practice: How-Tos for Excelling in the Vis Moot and Today’s Int’l Commercial Arbitration World, held in New York City, October 26, 2012

What’s Past is Prologue: New Rights and Obligations in Transatlantic Trade, Sales and Investment – presenting as member of this panel discussion (specifically addressing the CISG, as it relates to TTIP), held as part of Int’l Bar Association Annual Conference, in Boston, October 9, 2013

Damages for Breach of an Agreement to Arbitrate – presented at the 9th Annual Int’l Contracts Conference, held at St. Thomas University School of Law, on February 22, 2014

5 Essential Things Every Business Lawyer ought to know about the CISG – presented at ABA Int’l Law Section meeting in New York City, April 3, 2014

As U.S. Law, the CISG Remains an Infant at Age 35—Its Prospects for Eventual Maturity are Hopeful, but Far from Certain – presented at Global Sales Law Conference: The CISG at 35: Challenges Today, at Georgetown Law Center in Washington, D.C., on January 30, 2015

Contract Formation: Unique Issues under the CISG as Default Governing Law and Change of Contractual Conditions “Hardship” under Article 79 of the CISG – each presented at Week of Law and Business Conference, Santo Domingo, Dominican Republic, on June 18, 2015

Conference Organizer and Moderator – ***Technology in International Arbitration***, a Global Real-Time Online Conference held on June 11, 2015

Border Disputes: The (Difficult) Relationship between the U.N. Sales Convention and Domestic Law – presented in collaboration with Professor Harry Flechtner at Global Legal Developments, 20th Anniversary of the Center of International Legal Education, held at the University of Pittsburgh on September 11, 2015

CISG Master Class (lead instructor and moderator) – held as part of the IBA Annual Meeting in Vienna, October 9, 2015

New Models for Cost Effective Legal Service Delivery to Enhance Access to Justice – developed, chaired, and participated in this panel as part of the Fifth Annual Law School Access to Justice Conference (New York Permanent Commission on Access to Justice), on May 17, 2016

A Bilateral Arbitration Treaty Regime—the Answer for SMEs in Small States? – presented at conference on Integration and International Dispute Resolution in Small States, held at Wilmer Hale, London, on May 19 and 20, 2016

International Arbitration 5.0: Technology-Driven Innovation in International Commercial Arbitration – developed, organized, participated in, and chaired this panel as part of International Law Weekend 2016, Fordham University, New York, October 29, 2016

Lessons from Distance Learning—Using Effective Asynchronous Delivery Techniques to “Flip” the Traditional Law School Classroom – delivered at CALICon17, Phoenix, Arizona, June 15-16, 2017

Peerceptiv Online Peer Assessment: Improving Student Writing and Critical Thinking Skills at the Same Time – presented online to the Working Group on Distance Learning in Legal Education (hosted by CALI) on September 29, 2017

Taking Legal Education Online: A Conference for Deans and Associate Deans – as a member of a panel on “Online Courses: Best Practices” at this conference held at George Mason University, Antonin Scalia School of Law, from June 7-9, 2018

The CISG at Middle Age – presentation on “Uniformity under Article 7—What Is It and Where Do We Find It?” at this conference celebrating 30 years since the enactment of the CISG (and including most of the top global CISG scholars) hosted by the University of Pittsburgh School of Law on March 22 and 23, 2019

Online Learning and the Future of Legal Education – presentation on “The Hybrid Model for Legal Education: Better Teaching, Greater Access, and Better Future Lawyers,” at this conference held at Syracuse University on April 26, 2019

Thirty-Fourth Economics Institute for Law Professors – attended and participated in this two-week institute on Law and Economics hosted by the George Mason University, Antonin Scalia School of Law, Law & Economics Center on June 16-28, 2019

Distance Learning for JDs: Content and Partnership Forum – participated in this gathering of experts on online legal education at the invitation of West Academic to discuss the future of online legal education – July 22-24, 2019

Formative Assessment as a Bridge Between Online and In-Person Learning (presenter); ***Pitfalls, History, Regulation, and Lessons Learned: 25 Years of Online Legal Education; Standard 306 Today; Empirical Research, What Works and Doesn’t Work; and Accommodations in Online and Hybrid Learning*** (panel member), ***The Future is Here: Legal Education in a Hybrid World*** (panel member) all at the Conference on Online & Hybrid Learning Pedagogy: Toward Defining Best Practices in Legal Education hosted by the Denver University Sturm College of Law on September 26-28, 2019

Education

UNIVERSITY OF COLORADO SCHOOL OF LAW – J.D., 1994

Honors/Awards *Order of the Coif (Class Rank #2 of 154); Articles Editor - University of Colorado Law Review; Edward C. King Award for outstanding leadership and achievement (Class of 1994); Teaching Fellow - Contracts (92-93 & 93-94); Regional Championship Winning Team - 1994 National Trial Competition; Don W. Sears Award for greatest contribution to classroom learning experience (91-92 & 92-93); West Book Award (91-92) – highest first year grade point average*

UNIVERSITY OF COLORADO – B.A., Political Science, 1974

Professional Legal Experience

2002 FAEGRE & BENSON LLP – Boulder, CO

Special Counsel – *Joined firm as Special Counsel in January 2002, as part of merger of my former firm, Chrisman, Bynum, & Johnson, P.C., with Faegre & Benson LLP on January 1, 2002.*

1995-2001 CHRISMAN, BYNUM & JOHNSON, P.C. – Boulder, CO

Of Counsel (9/01 – 12/01) **Member** (10/99 – 8/01) **Associate** (9/95 – 9/99)
General civil litigation and appeals, with an emphasis on commercial and corporate litigation. Appeared before Colorado state and federal courts and Delaware chancery and appellate courts. Resigned partnership in August 2001 to pursue tenure track position teaching law, while continuing a part-time law practice for a year “Of Counsel” with this firm and as “Special Counsel” with its successor.

Judicial Clerkship Experience

1994-1995 U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT – Denver, CO

Judicial Law Clerk to the Hon. David M. Ebel

Business and Other Experience

1986-1991 LOWE ALPINE SYSTEMS, INC. – Broomfield, CO

President – *Chief Executive Officer for this international business engaged in the design, manufacture, and sale of backpacks, outdoor clothing, camera bags, and climbing equipment.*

1984-1985 PERSONAL SABBATICAL

Spent a year traveling around the world.

1980-1984 NOVAN ENERGY, INC. – Boulder, CO

Senior Vice President – *Chief Operating Officer for this publicly traded manufacturer of liquid flat-plate solar collectors and associated solar hot water heating systems.*

1978-1980 WESTERN STATES TIRE & AUTO SERVICE, INC. – Phoenix, AZ

Vice President – *Chief Financial Officer for this privately held multi-state retail and commercial tire sales and service business.*

Professional Memberships and Service

Bar Admissions: Colorado – 1994; New Hampshire – 2006

U.S. District Court, Colo. & U.S. Court of Appeals, 10th Cir. – 1995

U.S. Supreme Court – 1998

American, Colorado, and New Hampshire Bar Associations – Member (currently inactive)

University of Colorado School of Law Alumni Board – Member (2003 – 2006)

Co-Chair of the Technology Task Force – Suffolk County A2J Project (current)