

Associate Professor of Law
Seattle University School of Law
Sullivan Hall
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EMPLOYMENT

Seattle University School of Law

Associate Professor of Law (with tenure), July 2009 – present
Associate Professor of Law, July 2006 – July 2009

Tulane Law School

Associate Professor of Law, July 2003 – July 2006

Willkie Farr & Gallagher LLP

Business Reorganization and Restructuring Associate, August 2002 –
February 2003

**The Honorable Prudence Carter Beatty, U.S. Bankruptcy Court for the
Southern District of New York**

Law Clerk, August 2001 – August 2002

EDUCATION

New York University School of Law

J.D., 2001
Executive Editor, *New York University Law Review*
Judge John J. Galgay Fellowship in Bankruptcy and Reorganization Law
Merit Scholarship Recipient

Yale University

B.A. in History, 1998
Senior Thesis: *Diverging Religious Approaches to the Role of Faith in
Revolution: The Conflict Between the Church Hierarchy and the
Progressive Clergy in Nicaragua, 1981-1983*
Lewis P. Curtis Fellowship for Travel
Edgar J. Boell Prize

PUBLICATIONS

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, 26
EMORY BANKR. DEV. J. (forthcoming 2009)

Setting the Record Straight: A Sur-Reply to Professors Lawless et al., 33
SEATTLE U. L. REV. 93 (2009)

- Failing to Answer Whether Bankruptcy Reform Failed: A Critique of the First Report from the 2007 Consumer Bankruptcy Project*, 83 AM. BANKR. L.J. 27 (2009) (peer-reviewed)
- The Real Student-Loan Scandal: Undue Hardship Discharge Litigation*, 83 AM. BANKR. L.J. 179 (2009) (peer-reviewed) (with Michelle R. Lacey)
- cited in *In re Miller*, 409 B.R. 299 (Bankr. E.D. Pa. 2009)
- The Utility of Opacity in Judicial Selection*, 64 N.Y.U. ANN. SURV. AM. L. 633 (2009) (symposium issue)
- An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, 61 VAND. L. REV. 1745 (2008) (with Jonathan R. Nash)
- Examining the Perceived Quality of Appellate Review in the Bankruptcy System*, NORTON BANKR. L. ADVISER, Aug. 2008, at 1 (with Jonathan R. Nash)
- Illness and Inability to Repay: The Role of Debtor Health in the Discharge of Educational Debt*, 35 FLA. ST. U. L. REV. 505 (2008)
- Eliminating the Judicial Function in Consumer Bankruptcy*, 81 AM. BANKR. L.J. 471 (2007) (peer-reviewed)
- cited in *In re Cox*, 393 B.R. 681 (Bankr. W.D. Mo. 2008); *In re Quigley*, 391 B.R. 294 (Bankr. N.D. W. Va. 2008); *In re Turner*, 384 B.R. 537 (Bankr. S.D. Ind. 2008); *In re Waters*, 384 B.R. 432 (Bankr. N.D. W. Va. 2008)
- Analyzing Chapter 7 Abuse Dismissal Motions Post-BAPCPA: A Reply on Cortez*, AM. BANKR. INST. J., December/January 2007, at 16
- cited in *In re Henebury*, 361 B.R. 595 (Bankr. S.D. Fla. 2007)
- Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt*, 74 U. CIN. L. REV. 405 (2005) (with Michelle R. Lacey)
- cited in *In re Cumberworth*, 347 B.R. 652 (B.A.P. 8th Cir. 2006); *In re Woody*, 345 B.R. 246 (B.A.P. 10th Cir. 2006); *In re Greenwood*, 349 B.R. 795 (Bankr. D. Ariz. 2006)
- On Proof of Preferential Effect*, 55 ALA. L. REV. 281 (2004), reprinted in 13 J. BANKR. L. & PRAC. 95 (2004)
- cited in *In re Bankvest Capital Corp.*, 375 F.3d 51 (1st Cir. 2004)
- Comment, *Bankruptcy Court Jurisdiction and Agency Action: Resolving the NextWave of Conflict*, 76 N.Y.U. L. REV. 945 (2001)
- Note, *Beyond the Limits of Equity Jurisprudence: No-Fault Equitable Subordination*, 75 N.Y.U. L. REV. 1489 (2000)

AMICUS BRIEF

Motion for Leave to File Brief and Brief for Amicus Curiae Professor Rafael I. Pardo in Support of Neither Party, *United Student Aid Funds, Inc. v. Espinosa*, No. 08-1134 (U.S. Sept. 3, 2009), 2009 WL 2875368

CONGRESSIONAL TESTIMONY

An Undue Hardship? Discharging Educational Debt in Bankruptcy: Hearing Before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, 111th Congress (September 23, 2009)

SELECT PRESENTATIONS

2009

The Real Student-Loan Scandal: Undue Hardship Discharge Litigation, Seattle Economics Council, Seattle, Washington (October 14, 2009) (inaugural speaker for 2009-2010 season)

Reconceptualizing Present-Value Analysis in Consumer Bankruptcy, Faculty Colloquium, Emory Law School (September 9, 2009)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Harvard-Texas Joint Conference on Commercial Law Realities, University of Texas School of Law (March 28, 2009) (in absentia)

2008

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Research Conference on Access to Civil Justice: Empirical Perspectives, New York University School of Law (November 13, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Faculty Workshop, Sandra Day O'Connor College of Law (Arizona State University) (October 22, 2008)

An Empirical Examination of Access to Chapter 7 Relief by Pro Se Debtors, Annual Meeting of the Midwestern Law & Economics Association, Northwestern University School of Law (October 4, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, 2008 Washington Bankruptcy Judges Conference, Blaine, Washington (September 19, 2008)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation, Third Annual Conference on Empirical Legal Studies, Cornell Law School (September 12, 2008) (poster session)

An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review, Annual Fall Symposium of the Ninth Circuit Bankruptcy Appellate Panel, Ashland, Oregon (August 26, 2008) (co-presented with Jonathan R. Nash)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Houston Higher Education Finance Roundtable, University of Houston Law
Center (May 19, 2008)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Annual Meeting of the American Law and Economics
Association, Columbia Law School (May 16, 2008)

The Utility of Opacity in Judicial Selection, NYU Annual Survey of American
Law Symposium, *Tradeoffs of Candor: Does Judicial Transparency Erode
Legitimacy?*, NYU School of Law (March 11, 2008)

2007

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Annual Meeting of the Midwestern Law & Economics Association, University
of Minnesota School of Law (October 13, 2007)

The Real Student Loan-Scandal: Undue Hardship Discharge Litigation,
Federal Judicial Center Workshop for Bankruptcy Judges II, Austin, Texas
(September 17 & 18, 2007)

*Illness and Inability to Repay: The Role of Debtor Health in the Discharge of
Educational Debt*, Federal Judicial Center Workshop for Bankruptcy Judges II,
Austin, Texas (September 17 & 18, 2007)

*Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the
Discharge of Educational Debt*, Federal Judicial Center Workshop for
Bankruptcy Judges II, Austin, Texas (September 17 & 18, 2007)

Eliminating the Judicial Function in Consumer Bankruptcy, National Bankruptcy
Administrators Conference, Asheville, North Carolina (July 31, 2007) (keynote
address)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Joint Annual Meetings of the Law and Society Association
and Research Committee on Sociology of Law, Humboldt University (July 28,
2007) (co-presented with Jonathan R. Nash)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Stanford/Yale Junior Faculty Forum, Stanford Law School
(May 18, 2007) (co-presented with Jonathan R. Nash)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Reenvisioning Law Colloquium, University of Houston Law
Center (January 26, 2007)

2006

*An Empirical Investigation into Appellate Structure and the Perceived Quality of
Appellate Review*, Annual Meeting of the Midwestern Law & Economics
Association, University of Kansas School of Law (October 20, 2006) (co-
presented with Jonathan R. Nash)

2005

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, St. John's University School of Law (October 26, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Faculty Workshop, Seattle University School of Law (October 10, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Young Scholars Workshop, Annual Meeting of the Southeastern Association of Law Schools, Hilton Head Island, South Carolina (July 17, 2005)

Undue Hardship in the Bankruptcy Courts: An Empirical Assessment of the Discharge of Educational Debt, Tulane-Loyola Junior Faculty Workshop, Tulane Law School (March 18, 2005)

MEDIA COMMENTARY

Christine Dugas, *Student Loans Are Crushing New Grads; Without Jobs, Paying Off \$100,000 in Debt is Tough*, USA TODAY, May 13, 2009, at 6A.

Bill Virgin, *Beware the Latest 'C Level' Executive*, SEATTLE POST-INTELLIGENCER, Oct. 28, 2008, at D1.

Vesna Jaksic, *Your Attendance Is Required*, NAT'L L.J., Sept. 24, 2007, at 4.

COURSES TAUGHT

Bankruptcy, Contracts, Payment Systems, Sales, Trusts and Estates, Legal Scholarship Colloquium

LAW SCHOOL SERVICE

Chair, Commercial Law Focus Area, Seattle University School of Law, July 2006 – present

Faculty Liaison, Fair Debt Collection Observation Project, Seattle University School of Law, September 2009 – present

Member, Planning Committee for *State Judicial Independence—A National Concern*, Seattle University School of Law, April 2009 – September 2009

Member, Faculty Appointments Committee, Seattle University School of Law, July 2008 – May 2009

Chair, Special Faculty Appointments Committee, Seattle University School of Law, January 2008 – May 2008

Member, Curriculum Committee, Seattle University School of Law, July 2006 – July 2007

Member, Legal Research and Writing Committee, Tulane Law School, July 2005 – July 2006

Member, Readmissions Committee, Tulane Law School, July 2005 – July 2006
Faculty Liaison, Honor Board, Tulane Law School, March 2005 – July 2006
Member, Special Clinical Appointments Committee for the Tulane
Environmental Law Clinic, Tulane Law School, July 2004 – July 2005
Member, Faculty Appointments Committee, Tulane Law School, July 2004 –
July 2005
Advisor, La Alianza del Derecho, Tulane Law School, September 2003 – July
2006
Member, Judicial Clerkship Committee, Tulane Law School, July 2003 – July
2004

PROFESSIONAL ACTIVITIES

Academic Member-Select, Editorial Advisory Board, *American Bankruptcy Law Journal* (three-year term commencing January 1, 2010)
Volunteer Attorney, King County Bar Association Debt Clinic, April 2009 –
present
Secretary and Treasurer, AALS Section on Creditor's and Debtor's Rights,
January 2009 – present
Presenter, Washington Bankruptcy Judges Conference, Blaine, WA, September
2008
Panel Moderator, Third Annual Conference on Empirical Legal Studies, Cornell
Law School, September 2008
Presenter, Annual Fall Symposium of the Ninth Circuit Bankruptcy Appellate
Panel, Ashland, OR, August 2008
Discussant, "Microinitiatives," Globalization & Justice: Interdisciplinary
Dialogues, Seattle University, February 2008
Program Faculty, Federal Judicial Center, Workshop for Bankruptcy Judges II,
Austin, TX, September 2007
Program Faculty, Federal Judicial Center and Administrative Office of the U.S.
Courts, National Bankruptcy Administrators Conference, Asheville, NC, July
2007
Newsletter Editor, AALS Section on Creditor's and Debtors' Rights, January
2007 – May 2008
Member, Board of Directors, Consumer Education and Training Services
("CENTS"), Seattle, WA, October 2006 – present
Guest Blogger, *Concurring Opinions*, <http://www.concurringopinions.com>,
August 2006
Program Faculty, Thirtieth Annual Seminar on Bankruptcy Law and Practice,
Stetson University College of Law, December 2005
Member, Southeastern Association of Law Schools (SEALS) Young Scholars
Committee, April 2005 – September 2005

Consultant, New Orleans Legal Assistance Corporation, New Orleans, LA,
September 2004 – September 2005

Advisory Board, Bankruptcy Litigation Skills Symposium, American Bankruptcy
Institute/Tulane Law School, April 2004 – May 2005

AWARDS AND PROFESSIONAL ORGANIZATIONS

Institute for Higher Education Law and Governance Fellow, Houston Higher
Education Finance Roundtable, University of Houston Law Center, May 2008

American Bankruptcy Law Journal Fellow, Annual Meeting of the National
Conference of Bankruptcy Judges, November 2005

Member, Bar of the United States Supreme Court, 2009 – present

Member, Society of Empirical Legal Studies, 2007 – present

Member, American Bankruptcy Institute, 2003 – present

Member, Washington State Bar Association, 2002 – present

PERSONAL

Born: March 25, 1976; Havre, Montana

Languages: Spanish (fluent) and French (proficient)

Interests: classical piano, mountaineering, squash