

# BURNELE VENABLE POWELL

Dean and Professor of Law  
University of South Carolina School of Law  
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## PERSONAL DATA

Born: Kansas City, Missouri, March 5, 1947  
Family: Brenda Venable Powell, two children  
Home address: 709 N. E. Plumbrook Place  
Lee's Summit, Missouri 64064  
(816) 478-4599

## EDUCATION

### Law School

Harvard University Law School, LL.M. (Master of Laws) 1979 (Thesis:  
"Trying to Stand Up in the Supreme Court" (Unpublished))

University of Wisconsin Law School, J.D. (*Juris Doctor*), 1973

### College

University of Missouri at Kansas City, Bachelor of Arts, 1970

## PROFESSIONAL EXPERIENCE

### Legal

Dean and Miles and Ann Loadholt Professor of Law, 2004 -  
Dean and Professor of Law UMKC School of Law, 1995-2003  
Wisconsin Supreme Court appearance, Special Session on Reform of Lawyer  
Disciplinary Enforcement, September 14, 1999  
Associate Dean for Academic Affairs, University of North Carolina  
at Chapel Hill, 1990 – 1993  
New Jersey Supreme Court appearance, Special Session on Reform of Lawyer  
Disciplinary Enforcement, March 7, 1994  
Visiting Professor of Law, Washington University in St. Louis, Summer 1990  
Special ABA Consultant to Louisiana Supreme Court Hearing on Reform  
of Louisiana Lawyer Disciplinary Enforcement, December 15, 1990  
Professor of Law, July 1988  
Visiting Associate Professor of Law, University of Oregon School of Law,  
January 1987 - August 1987  
Associate Professor of Law, 1984  
Assistant Professor of Law, 1979  
Graduate Law Teaching Fellow, Harvard Law School, 1977-1979  
Associate Regional Counsel, Department of Housing & Urban  
Development, 1973-1977  
Instructor, Northeastern University (Course: "Race, Racism and American Law"  
(April - July 1978))

Law Clerk, Office of the County Prosecutor (Jackson County, Missouri)  
1972

General

Board of Directors, Consumers Union, publishers of *Consumer Reports*,  
Secretary to the Board and Chair of Audit Committee  
Trustee (Public Representative), University Hospital 1978-79  
Summer Intern, New England Mutual Life Insurance Co.,  
Public Affairs Department, 1971  
Director, City of Kansas City, Summer Youth Employment Program, 1970  
Field Organizer, Kansas City Model Cities, 1969  
Community Assistant to City Councilman Frank E. Brennan, 1969  
Recruiter, Volunteers in Service to America, Summer 1968

**BAR ADMISSIONS**

State Bar of Wisconsin, 1973  
Massachusetts State Bar, 1979

**PROFESSIONAL ASSOCIATION MEMBERSHIPS AND ACTIVITIES**

American Law Institute: Member, 1991

American Bar Foundation: Member, 1993

ABA Center for Professional Responsibility, Charter Member

ABA Commission on Access to Lawyers, Chair 2002 – August 2003

ABA Consortium on the Delivery of Legal Services, Chair—2002 - Present

ABA Center for Professional Responsibility Coordinating Council: Chair  
1998 – August 2002

ABA Seminar for New Law School Deans Planning Committee: Member,  
1998 – 2001

Association of American Law Schools: Presidential Nominating Committee,  
2000

ABA Commission on Public Financing of Judicial Campaigns: Member,  
2000 – 2001

ABA Center for Professional Responsibility/ Fordham Law School  
Symposium on Multijurisdictional Practice of Law: Moderator, March 1999

Missouri Bar, Symposium on Diversity in the Legal Profession: Moderator,  
2000

Missouri Bar Diversity Committee: Chair, 2001 -- Present

**Missouri Institute of Justice, Inc., 2000 -- Present**

**Missouri Bar Association Special Commission on *Forum non conveniens* Chair, 1998-99;**

**ABA Commission on Multidisciplinary Practice, Member (1998 – 2000)**

**American Bar Association, Center for Professional Responsibility Coordinating Council, Chair - 1997- August 2002**

**American Bar Association, National Conference on Professional Responsibility Planning Committee, 1997 – 2002 (*ex officio*)**

**American Bar Association, Section of Administrative Law and Regulatory Practice**

**American Bar Association Committee on High Profile Trials (Professional Ethics perspective) – 1997-1999**

**American Bar Association Committee on the Futures - 1997**

**American Bar Association Standing Committee on Professionalism – 1996-1998**

**American Bar Association, Standing Committee on Professional Discipline (1988-1994); Chair 1990-1994**

**American Bar Association Joint-Subcommittee on Implementation of Lawyer Disciplinary Enforcement, Chair 1990-1995**

**Association of American Law Schools, Committee on Curriculum and Research (1991- 1993); Chair 1993**

**Association of American Law Schools Special Committee on the MacCrate Report: Member 1993**

**Association of American Law Schools, Workshop on Professional Responsibility ("From Kaye Scholer to the Legal Services Office") (1993)**

**North Carolina State Bar Association, Ethics Committee (1990-1992)**

**Association of American Law Schools, Special Committee on Indicia of Institutional Quality (1990)**

**Association of American Law Schools, Long-Range Planning Committee (1988)**

**Association of American Law Schools, Special Committee on the Recruitment of Minorities (1987)**

**Association of American Law Schools, Committee on the 1988 Annual Meeting Program**

**UMKC/American Judicature Society Symposium on Preserving the independence of the Judiciary (UMKC, 1999)**

**ABA Conference on Development (Santa Fe, New Mexico 1999)**

**Administrative Conference of the United States, Consultant (1983-86)**

**Certified Teacher of Secondary Education, Missouri**

**Missouri Bar Association, member since 1995**

**Missouri Bar Association, Venue Commission, Chair 1997 - 1999**

**Missouri Bar Association, Foresight Committee, member 1997 - 1998**

**Kansas City Metropolitan Bar Association, 1995 - present**

#### **COMMUNITY SERVICE**

**DeLasalle Education Center, Board of Directors, 1996 - present**

**American Lung Association, Western District of Missouri, Directors of Board, 1997- present**

**Midwest Bioethics Center, Board of Trustees, member 1995 - present**

**Planned Parenthood of Orange and Durham Counties, Board of Governors, 1992-95**

**UNC Chapter of the American Association of University Professors, President, 1990-91**

**Village West Homeowners' Association, Board of Directors 1980-1986 (President, 1984-1986)**

**Inter-Church Council Housing Corporation, Board of Directors 1980-1986 (Vice President, 1985-1986)**

**Chapel Hill Housing Authority Grievance Committee, 1983-1986 (Chair)**

#### **UNIVERSITY and LAW SCHOOL SERVICE**

**Available upon request.**

## LAW TEACHING

### Courses Taught

Administrative Law  
Recent Developments in Administrative Law Seminar  
Real Property  
Civil Procedure  
Professional Responsibility  
Law, Legislation and Public Policy Seminar  
Law and Justice Seminar

### Books and Articles

**LAWYERS AND THE LEGAL PROFESSION: CASES AN MATERIALS, Roy D. Simon, Jr. and Murray L. Schwartz (on Fourth Edition (pending), Roy D. Simon, Jr., Carol Needham and Burnele V. Powell)**

"Pressing the NCAPA Paradigm: Too Much Form for *Ad Hoc* Adjudicatory Rulemaking, 61 N.C. L. Rev. 67-96 (1982)

"Sitting and Standing in the Supreme Court: Warth Standing and the Problem of Distributive Justice, 33 DePaul L. Rev. 429-464 (1984)

"Sinners, Supplicants, and Samaritans: Agency Advice Giving in Relation to Section 554(e) of the Administrative Procedure Act," 63 N.C. L. REV. Rev. 339-374 (1985)

"Administratively Declaring Order: Some Practical Applications of the Administrative Procedure Act's Declaratory Order Process," 64 N.C. L. REV. Rev. 277-301 (1986)

"Regular Appellate Review, Direct Judicial Review, and the Role of Review of the Declaratory Order: Three Roads to Judicial Review," 40 Administrative Law Review 451-503 (Fall 1988).

"Whistling in the Dark: The Problem of Federal Protection for In-house Reporters of Corporate Wrong-doing" 68 Or. L. Rev. 569-613 (1989).

"The Problem of the Parachuting Practitioner," 1992 Ill. L. Rev. 105-158 (1992).

"Somewhere Farther Down the Line: MacCrate on Multiculturalism and the Information Age, 69 Wash. L.Rev 637 (1994).

"Lawyer Professionalism as Ordinary Morality," 35 S.Tex L. Rev. 275 (1994).

"The Sense of a Client: Confidentiality Issues in Representing the Elderly," B. Powell and R. Link, 52 Fordham L. Rev. 1197 (1994).

**"Open Doors, Open Arms, and Substantially Open Records: Consumerism Takes Hold in the Legal Profession," 28 Valparaiso L. Rev. 709 (1994).**

**"Diagnosis and Prescription: Illusory Lawyer Disciplinary Reform and the Need for a Moratorium," 1 J. Inst. for Study Leg. Ethics 263 (1996).**

**"Risking the Terrible Question of Religion in the Life of the Lawyer," 66 Fordham L. Rev. 1321 (1998).**

**"Informal Remarks on Professionalism," 2 Journal of the Institute for the Study of Legal Ethics, 85 (1999).**

**"An Informal Discussion of Legal Ethics," 2 Journal of the Institute for the Study of Legal Ethics, 85 (1999).**

**"A Reaction: Stand Up, Your Father [A Lawyer] is Passing," 97 Mich. L. Rev. 1373 (1999).**

**"Flight from the Center: Is It Just or Just About the Money?" 84 Minn. L. Rev. 1439 (June 2000).**

**"Looking Ahead to the Alpha Jurisdiction: Some Considerations that the First MDP Jurisdiction Will Want to Think About," 36 Wake Forest L. Rev. 101(spring 2001).**

**"Legal Ethics and Professional Responsibility: What Needs Fixing?" Hofstra School of Law (September 2002)**

**"The Lesson of Enron for the Future of MDPs: Out of the Shadows and into the Sunlight, 80 Wash. U. L.Q. 1291. (November 2002)**

**"Back to the Future: Is the New York State of Mind Confused about MDP?" 2003 Ill. L. Rev. 1377 (2003)**

**"What Clients Want and Why They Can't Have It," \_\_ Emory L.J. \_\_ (2003)**

**"The Limits of Integrity or Why Cabinets Have Locks," 73 Fordham L. Rev. 311 (2003)**

### **Manuscripts, Columns, Etc.**

**Current Developments in North Carolina Real Estate Law 1983-1984 (43 Pp.).**

**"There Are Conflicts in this Environment Too," prepared for the Environmental and Natural Resources Law Section of the North Carolina Bar Association (Continuing Legal Education, North Carolina Bar Foundation, 1988).**

"The Supreme Court Takes A Look at Drug-testing: The Search for the Reasonable 'Fox Trap'" (60 Pp.).

"Retribution or Rehabilitation?" Family Advocate Magazine (Summer 1991)  
51.

"Bar Response to Mass Tort Disasters: Discipline View The Professional Lawyer (February 1992) 1

"'Truce' or Consequences: The Rationale for Affirmative Action in Law Schools," 2 Kansas Journal of Law and Public Policy 123 (Summer 1992).

"Experiencing the 'Velvet Revolution,'" The Professional Lawyer (November 1993) 2.

"Professionalism in Practice," ABA Journal 48 (August 1998)

"Practice Debate Heats Up," ABA Journal 14 (August 1999)

"Missourians Need ABA Evaluations," *BURNELE POWELL - Special to The Star* Date: 05/06/01 22:00

### Reports

"An Overview of the Use and Non-use of the Federal Administrative Procedure Act's Declaratory Order process" (52 Pp.)

"Judicial Review and Declaratory Judgment Review: Why, then do we need the Declaratory Order?" (45 Pp.)

"Section 554(e) Declaratory Orders: What is a Declaratory Order?" (October 12, 1985) (12 Pp.)

ABA Model Rules for Lawyer Disciplinary Enforcement (1989), as Chair of the ABA Standing Committee on Disciplinary Enforcement

ABA Model Rules for Judicial Discipline (1994), as Chair of the ABA Standing Committee on Disciplinary Enforcement"

ABA Commission on Multidisciplinary Practice Report to the House of Delegates (August 1999)

Missouri Bar Committee on Forum Nonconvenience Final Report

ABA Commission on Multidisciplinary Practice Report to the House of Delegates (July 2000)

ABA Commission on Public Financing of Judicial Campaigns (August 2001)

### Selected Addresses

**"Standing to Sue in Court and Distributive Justice," (Nags Head Conference Center: Conference on Justice, and Law, Nags Head, N.C., June 1983)**

**"Will the Federal Agencies Come to Order: The Non-use of Section 554(e) of the APA," (Faculty Colloquium, March 1985)**

**"Current Developments in North Carolina Real Estate Law," (Speaker, Annual Spring Real Property Section Seminar, Pinehurst, N.C., April 13, 1985)**

**"Agency Use of Administrative Declaratory Orders: If You Don't Swing, You Can't Hit!" (Speaker, Thirty-second Plenary Session of the Administrative Conference of the United States, Washington, D.C., June 20, 1986)**

**"There Are 'Conflicts' in this Environment Too" (Panelist, NCBA Environmental and Natural Resources Law Section Annual Meeting, Pinehurst, N.C. June 3, 1988)**

**Seventh Annual North Carolina Evidence Seminar, (Panelist, June 4, 1988)**

**National Institute for Trial Advocacy, Deposition Program (Instructor, June 17, 1988)**

**"The Supreme Court Takes A Look at Drug-Testing," U.N.C. School of Law Faculty Colloquium (October 1988)**

**"The Supreme Court Takes A Look at Drug-Testing," University of Colorado School of Law Faculty Colloquium (December 1988)**

**"The Future of Lawyer Disciplinary Enforcement: The Meaning of Morals in a Multivalent Context," U.N.C. Law School Perspectives Lecture (September 1990)**

**Judicial Conference of the Louisiana Supreme Court, "Judicial Responses to Lawyer Misconduct (New Orleans, October 1990)**

**ABA 17th National Conference on Professional Responsibility (Scottsdale, Arizona May 1991)**

**Federalist Society Debate: "Resolve that Judge Clarence Thomas Should Be Confirmed as a Supreme Court Justice [Opposing]" (Chapel Hill, September 9, 1991)**

**John Turner Professionalism Lecture, South Texas College of Law (March 10, 1993): "Lawyer Professionalism as Ordinary Morality"**

**Conference on Judicial and Legal Ethics in China and the United States: The Lawyer Disciplinary Process," (Fudan Law School, Peking University, May 27, 2000)**

**2002-2003 Howard Lichtenstein Distinguished Legal Ethics Lecture: The Limits of Morality: Why the Cabinets Need Locks,” Hofstra School of Law, November 2002.**

**“Can the Public University Survive?” Unitarian Forum: All Souls Unitarian Church, May 10, 2003.**

#### **AWARDS, GRANTS AND HONORARIUMS**

**UMKC Law Foundation, President’s Award, 2002**

**UMKC School of Education, Alumni of the Year, 2001 (Awarded October 2001)**

**Missouri Bar, President’s Award 2000**

**Missouri Bar, President’s Award 1999**

**Honored for Service by Association for the Study of Afro-American Life & History Kansas City Chapter) 1999**

**University of North Carolina Law Center Grant for 1983**

**R. J. Reynolds Industries--Junior Faculty Development Award for 1983**

**University of North Carolina Law Center Grant for 1980**

**University of North Carolina Law Center Grant for 1990**

**Outstanding Service Awards, various from Federal Department of Housing and Urban Development**

#### **REFERENCES**

**Available upon request**