

BRADLEY J.B. TOBEN

EDUCATION

Professional: LL.M., Harvard Law School
June, 1981

J.D., Baylor University School of Law
May, 1977 (top 10%; honors)

Undergraduate: B.A. (Political Science)
University of Missouri-St. Louis
December, 1974 (top 5%; honors; completed college
in 2 1/2 years; University Scholar)

PROFESSIONAL EMPLOYMENT

Baylor University
School of Law
August, 1983-Present

Dean (11/91-present)
M.C. & Mattie Caston
Professor of Law (endowed chair)
Associate Dean (5/88 - 11/91)
Professor (8/87 - present)
Tenure effective: 5/88
Associate Professor (8/85 - 8/87)
Assistant Professor (8/83 - 8/84)

Indiana University
School of Law
Indianapolis, Indiana
August, 1981-July, 1983

Assistant Professor

Peper, Martin, Jensen,
Maichel and Hetlage
St. Louis, Missouri
June, 1977-July, 1980

Attorney (associate)

PROFESSIONAL INTERESTS

While I have not taught regularly for several years on account of my engagements as dean, my principal teaching and professional interests have been in the area of commercial law and, more specifically, a focus upon the relationship of debtors and creditors under state and federal law. I have taught courses in Bankruptcy, Secured Transactions, Debtor-Creditor Law (state remedies), and Negotiable Instruments.

I also have pursued other teaching interests from time to time in leading sections of a Supreme Court seminar course, teaching some selected topics in Constitutional Law, and co-teaching a seminar in Law, Public Policy & Scripture.

PUBLICATIONS

Bradley J.B. Toben, James Wren and Elizabeth M. Fraley, *Was Texas Tort Reform Necessary? An Update on the Judges' View of Jury Verdict Accuracy*, 27 *Voir Dire* 32 (2020).

Bradley J.B. Toben, Elizabeth M. Fraley and James Wren, *Was Texas Tort Reform Necessary?: An Update on the Judges' View of Jury Verdict Accuracy*, 71 *Baylor L. Rev.* 168 (2019).

Bradley J.B. Toben and Kris Helge, *Sexual Misconduct of Clergypersons with Congregants or Parishioners: Past Attempts at Imposing Civil and Criminal Liabilities and a Proposed Criminal Law to Increase the Likelihood of Criminal Punishment of Clergypersons Perpetrators*, in *Clergy Sexual Abuse: Social Science Perspectives* (Claire Renzetti & S. Yocum, eds., 2013)

Bradley J.B. Toben and Carolyn P. Osolinik, *Nonprofit Student Lenders and Risk Retention: How the Dodd-Frank Act Threatens Students' Access to Higher Education and the Viability of Nonprofit Student Lenders*, 64 *Baylor L. Rev.* 158 (2012)

Bradley J.B. Toben and Kris Helge, *Sexual Misconduct of Clergypersons with Congregants or Parishioners – Civil and Criminal Liabilities and Responsibilities, and a Proposed Model Statute*, 1 *Brit. J. Am. Legal Stud.* 189 (2012)

Bradley J.B. Toben and Kris Helge, *Sexual Misconduct of Clergypersons with Congregants or Parishioners – Civil and Criminal Liabilities and Responsibilities* (web based article published as part of the Ford Foundation grant project of Dean Diana Garland on clergysexual misconduct involving congregants or parishioners). (2010). See at <http://www.baylor.edu/content/services/document.php/96096.pdf>.

Bradley J.B. Toben, *The Added Value and Prerogatives of Religiously Affiliated Schools*; *Association of American Law Schools Journal of Legal Education*, Vol. 59, p. 158 (2009).

Bradley J.B. Toben and Matthew C. Cordon, *Legislative Stasis: The Failures of Legislation and Legislative Proposals Permitting the Use of Electronic Monitoring Devices in Nursing Homes*, 59 *Baylor L. Rev.* 675 (2007)

Larry Lyon, Bradley J.B. Toben, James M. Underwood, William D. Underwood & James Wren, *Straight from the Horse's Mouth: Judicial Observations of Jury Behavior and the Need for Tort Reform*, 59 *Baylor L. Rev.* 419 (2007).

Bradley J.B. Toben, Larry Lyon, James M. Underwood, William D. Underwood & James E. Wren, Trial Judges Pronounce Their Verdict on Texas Juries and Cases, 70 Tex. B.J. 958 (2007)

Numerous papers on bankruptcy and debtor-creditor topics prepared in connection with speaking engagements, continuing legal education presentations, etc.

Panelist on the Presidential Program at the Annual Meeting of the Association of American Law Schools, January 2009.

Panelist, with Judge Ken Starr and the deans of the UT and SMU law schools at the annual meeting of the State Bar of Texas. The topic of the panel was "The Future of Legal Education." June 2009.

Regular contributor (for many years) on Debtor/Creditor law to the General Practice Digest published by the General Practice Section of the State Bar of Texas.

Extensive research done on higher education best practices done at the request of Baylor University Regent Chair R. Dary Stone (unpublished)

Co-editor and author of foreword, The Baptist and Christian Character of Baylor (anthology of essays and articles) (2003).

What Should Our Students Justifiably Expect of Us as Teachers? 33 *U. of Toledo Law Review* 221 (2001).

Editorial Board member, Journal of Church and State

HONORS

Elected Member, American Law Institute

The Texas Trial Lawyers Association sponsored an Austin reception in my honor at which I received a TTLA recognition for "exemplary service and commitment as a guiding light in legal scholarship and the pursuit of justice."

Master of the Bench, Abner V. McCall American Inn of Court Fellow,

American Bar Foundation

Fellow, Texas Bar Foundation

University of Missouri - St. Louis

Distinguished Political Science Alumni Award

University of Missouri - St. Louis Distinguished
Alumnus Award

Outstanding Young Alumnus Baylor
University

BAR MEMBERSHIPS

State Bar of Texas (admitted June, 1977)
Missouri State Bar (admitted September, 1977)
Waco-McLennan County Bar Association
U.S. Supreme Court
U.S. District Court, Western District of Texas
U.S. Court of Appeals, Fifth Circuit
U.S. District Court, Eastern District of Missouri
U.S. Court of Appeals, Eighth Circuit
American Bar Association

BAR ACTIVITIES

Chair, ABA/AALS Accreditation Re-inspection Teams for George Mason School of Law (2014); Thomas M. Cooley School of Law (2011); Liberty University (2010 and 2009); Regent University (2006); University of Pittsburgh (2004); Ave Maria (Rule 9(b) visit, 2002); Valparaiso University School of Law (1998); Marquette University School of Law (1995; also 1997 as a Special Fact Finder); Oklahoma City University School of Law (1992); and Drake University School of Law (1991).

Member, ABA/AALS Accreditation Re-inspection Teams for Liberty University School of Law (2008); Ave Maria School of Law (2001); Bridgeport Law School at Quinnipiac College (1993); University of Tulsa School of Law (1993) (AALS summarian); St. John's University School of Law (1990); Hofstra University School of Law (1987); and Duquesne University School of Law (1986).

Principal drafter and sole grader of the State Bar of Texas Business Bankruptcy Specialization Exam (several years).

Principal drafter and sole grader of the State Bar of Texas Consumer Bankruptcy Specialization Exam.

Member, Continuing Legal Education Committee, ABA Section of Legal Education and Admissions to the Bar.

AALS, Committee on Bar Admission and Lawyer Performance

MISCELLANEOUS ACTIVITIES

I am involved in a panoply of activities and engagements, and speak frequently, in my capacity as Dean of the Law School since 1991. My activities include a wide variety of service engagements at the Law School and University levels, as well as with many external constituencies, and in the community and beyond.

Some of my additional engagements are listed below:

Texas Commissioner serving on the National Conference of Commissioners on Uniform State Laws (appointed by Governor William Clements October 1, 1988 to serve through September 30, 1994) (secretary to the Texas Commission, 1989 to 1994).

Member of National Conference of Commissioners on Uniform State Laws Drafting Committee to draft a new Article 5 (Letters of Credit) of the Uniform Commercial Code Member; NCCUSL Study Committee on Computer Software Contracts; and Act Manager, Trade Secrets Act.

Expert witness and consultant in commercial and bankruptcy litigation matters.

Formerly of counsel to Dawson & Sodd, (Corsicana and Dallas) on bankruptcy and commercial law matters.

Special Counsel to the 19th Judicial District Court (McLennan County, Texas), advising the court on matters arising out of the liquidation proceedings for the Leroy Bank (Unincorporated) of Leroy, Texas.

Participant (by invitation) in Wilton Park Conference (Wiston House, Steyning, England).

Participant (by invitation) in Texas Lyceum.

Co-Chair, State Bar Business Section Article 9 Review sub-committee.

Lecturer and writer, BAR/BRI bar review preparation course.

COMMUNITY ACTIVITIES

Director, Waco Chamber of Commerce
Chair, St. Louis Catholic School Board
Member, Reicher Catholic High School Board
Volunteer ASA and Little League girls' softball programs
Volunteer, Talitha Koum therapeutic nursery school program
General Chairman, American Heart Association (Central Texas)
Advance Gifts Campaign Chair, Baylor United Way Campaign

Habitat for Humanity volunteer
Big 12 Task Force Committee Chair
Chair, Caritas Food for People Projects Subcommittee
Counsel to Baylor University Employees' Credit Union
Member, Board of Directors, Baylor University Employees Credit Union
Director, Waco Humane Society and Animal Shelter
HOTCOG Asst. Soccer Coach

CHURCH ACTIVITIES

Central Christian Church (Disciples of Christ)
Adult Sunday School Teacher
Chair of the Board
Chair of the Elders
Elder
Deacon
Chair, Finance Committee