

JOHN THEODORE NOCKLEBY

Susan Gurley Daniels Chair in Civil Advocacy & Professor of Law
& Director, Civil Justice Program
Loyola Law School, Loyola Marymount University
Los Angeles, CA 90015
(213-736-1163)

EDUCATION:

J.D. 1980, Harvard Law School, Cambridge, MA.
Harvard Law Review (1978-80); Developments Editor (1979-80)
Best Brief Award, First Year Ames Moot Court

B.A. Philosophy 1977 (Highest Honors) University of Montana, Missoula, MT

HONORS AND AWARDS:

Montana Honor Scholarship (1973-77)
Most Valuable Student Award (National Elk's Foundation)
Finalist, Rhodes Scholarship (1977)
Root-Tilden Scholarship (1977), New York University School of Law (declined)

ACADEMIC & ADMINISTRATIVE:

1989- Susan Gurley Daniels Chair in Civil Advocacy & Professor of Law (2020-present);
Professor of Law (1996-present); Associate Professor of Law (1990-96); Visiting
Associate Professor of Law (1989-90), Loyola Law School, Los Angeles

COURSES: Torts, Torts II, Technology & Privacy, Remedies, Constitutional Law,
First Amendment, Hate Speech

2004-present—Founding Director, Civil Justice Program, Loyola Law School

- Developed annual live Symposia bringing leading academics to Loyola
- Published yearly Symposium Issue, Loyola Law Review (vols. 38-44)
- Created Tribute to the Champions of Justice to recognize Bar leaders (2005-)
- Responsible for annual fundraising program
- Created CJP Endowment

2006-2021—Founding Director, Journalist Law School, Loyola Law School

- Created annual intensive “boot camp” in law for professional, mid-career journalists
- Established partnerships with bar organizations nationwide
- Co-designed intensive curriculum; recruiting 40+ faculty/speakers annually
- By end of 2021 session, over 650 journalists from major media & all geographic regions have attended

2000 Visiting Professor of Law, Harvard Law School, Cambridge, MA

2000 Visiting Professor of Law, Northeastern University School of Law, Boston, MA

1995-2000 Adjunct Faculty, Harvard Law School (Fall terms)

1998 Visiting Professor of Law, Northeastern University School of Law, Boston, MA

1993-95 Visiting Professor of Law, Harvard Law School, Cambridge MA

May 1992 Visiting Professor of Law, Southwest Institute of Politics and Law, Chongqing, China (sponsored by UCLA Pacific Rim Center)

OTHER LEGAL EXPERIENCE:

1987-88 Senior Litigation Attorney, Mexican American Legal Defense and Educational Fund (MALDEF), Los Angeles, CA

- Directed high-profile civil rights class action litigation personally defended by U.S. Attorney. Led team of dozen lawyers and staff.

1981-86 Ferguson, Stein, Watt, Wallas & Adkins, Charlotte, N.C.

- Elected to partnership in civil rights law firm after three years
- Trial and Appellate litigation of complex civil rights, constitutional, & tort cases
- Lead Counsel for several class actions; administered complex litigation discovery & budgets; supervised staff & lawyers; & worked with cooperating counsel
- Lead or co-counsel in two successful U.S. Supreme Court cases; assisted in third
- Cooperating Attorney: NAACP Legal Defense Fund, New York

1980-81 Law Clerk, Honorable Francis Murnaghan, Jr., United States Court of Appeals for the Fourth Circuit, Baltimore, MD

1979, 1980 Summer Associate, Hogan & Hartson, Washington, DC

OTHER SERVICE:

2020-present Board of Directors, National Center for State Courts (NCSC), Williamsburg, VA (Appointed to three-year term by Conference of Chief Justices (CCJ) and The Conference of State Court Administrators (COSCA))

2019--First Annual California Legislative-Judicial Summit, (Appointed by California Chief Justice Tani Cantil-Sakauye and California Judicial Council to Planning Committee organizing Summit for all California legislators and judges) (held February 27, 2019)

2018--Visiting Faculty, National Judicial College, Washington, D.C.

2013- present--Ad Hoc Committee on Women in the Legal Profession. Appointed by President of the Los Angeles County Bar

2013- present --Board Member, Immigrant Justice Clinic, Loyola Law School

2006-2007--Consultant (unpaid) to Los Angeles County Bar Association (LACBA) Blue Ribbon Commission (Blues II) (produced reports studying feasibility of judicial evaluation of the nearly 500 Superior/Magistrate Court judges in Los Angeles County)

OTHER EXPERIENCE:

2010-present, President, 446 San Vicente Blvd HOA Board of Directors (unpaid)

1976- Volunteers Coordinator, Congressional Campaign, United States Senator (ret.) (then Representative) Max Baucus (MT)

1974-76 Associated Students of the University of Montana

- Elected Student Body President (1975-76); Business Manager (1974-75)
- Responsible for \$500,000 budget; as President, indirect responsibility for additional budgets exceeding \$1 million
- Led 23-member student governing body; managed 15 full and part-time professional staff; multiple appearances at Montana Board of Regents, Faculty Senate, & University President's Council
- Search Committee, Commissioner of Higher Education, State of Montana

HONORS AND AWARDS:

Senior Visiting Research Fellow, Law Department, Sciences-Po, Paris, France (March 2024)

Loyola Law School Alumni Association Board of Governors Recognition Award (2017)

Excellence in Teaching Award (Graduating class Day Division) (2017)

Appointed Honorary Diplomat, American Board of Trial Advocates (2010)

Educator of the Year, Consumer Attorneys Association of Los Angeles (2005)

PUBLICATIONS:

BOOKS/MONOGRAPHS:

The Journalist's Guide to American Law (with Jay Dougherty, Victor Gold, Allan Ides, Laurie Levenson, Karl Manheim, Daniel Martin) (Routledge, 2013)
(Paperback edition with new preface published 2014)

TORTS: CASES & MATERIALS (draft in progress)

CYBERPRIVACY (2003), Harvard Law School, Berkman Center for Law & Technology, published online at <http://h2o.law.harvard.edu/ViewProject.do?projectID=158>

PRIVACY IN CYBERSPACE (2002), Harvard Law School, Berkman Center for Law & Technology, published online at <http://eon.law.harvard.edu/privacy/>

ARTICLES AND BOOK CHAPTERS

“Posner’s Train Wreck: Strict Liability for Dangerous Activities” (article in draft)

“Why Anonymity?” (article in draft)

When Losses are Too Big: Evaluating the Economic Loss Doctrine in California, 53 *Loy. L.A. Rev.* (2020)

“Faces of the Tort Pyramid: Compensation, Regulation, and the Profession,” in An Unfinished Project: Law and the Possibility of Justice (Cambridge University Press, 2010) (Scott Cummings, Ed.)

“Access to Justice: It’s Not for Everyone,” 42 *Loyola L. Rev.* 859 (2009)

“Introduction: The Frontiers of Tort Law,” 41 *Loyola. L. Rev.* 1143-1147 (2008)

“How to Manufacture a Crisis: Evaluating Empirical Claims Behind ‘Tort Reform,’” 86 *Oregon Law Review* 533 (2007)

“Foreword: Law & Popular Culture,” 41 *Loyola Law Review* 539 (2007) (Symposium Introduction)

Encyclopedia of American Civil Liberties (Routledge Reference 2006) (invited contributor). Essays on Forced Speech, Hate Speech, Invasion of Privacy, Legal Realists, Picketing, Prior Restraints, Speech and its Relation to Violence, Traditional Public Forums, *FCC v. Pacifica Foundation*, *Frisby v. Schultz*, and *Hague v. C.I.O.*)

“Foreword: The Economics of Civil Justice,” 40 *Loyola Law Review* 683 (2006)

“What’s a Jury Good For?,” 11 *Voir Dire* 6 (Issue 2, Summer 2005)

“100 Years of Conflict: The Past and Future of ‘Tort Retrenchment,’” 38 *Loyola of Los Angeles Law Review* 1021 (2005) (with Shannon Curreri)

“Access to Justice: Can Business Co-exist with the Civil Justice System? An Introduction,” 38 *Loyola of Los Angeles Law Review* 1009 (2005)

“What Ends Does the Tort System Serve?,” *The Advocate* 59 (July 2005)

“What’s Wrong with a National ID?,” *Loyola Lawyer* 66 (Fall, 2002)

“Why Internet Voting?,” 34 *Loy. L. Rev.* 1023 (2001)

“Hate Speech,” in Encyclopedia of the American Constitution (2nd ed., edited by Leonard W. Levy, Kenneth L. Karst et al., New York: Macmillan, 2000).

“Hate Speech in Context: The Case of Verbal Threats,” 42 Buffalo Law Review 653 (1994).

“Two Theories of Competition in Early 19th Century America: The Labor Conspiracy Cases,” 38 American Journal of Legal History 452 (1994).

“Tortious Interference with Contractual Relations in the Nineteenth Century: The Transformation of Property, Contract, and Tort,” 93 Harv. L. Rev. 1510 (1980). Reprinted in Essays on Critical Legal Studies, Harvard Law Review Association (Cambridge, MA 1986).

“Comment, The Supreme Court, 1978 Term: Legislative Immunity under the Speech or Debate Clause,” 93 Harv. L. Rev. 161 (1979).

SHORT ARTICLES AND OP-EDS

“How to Judge Kavanaugh’s Credibility,” *The Hill*, October 2, 2018 (with Laurie L. Levenson) <https://thehill.com/opinion/judiciary/409484-how-to-judge-kavanaughs-credibility>

[signature only], “The Senate Should Not Confirm Kavanaugh,” *New York Times* 10.03.18 (with 2500 Law Professors)

“@Trump You Can’t Block People,” *Daily Journal* (May 29, 2018) (with Sherene Tagharobi)

“Civil Suit Against The Trump Campaign Just Might Succeed,” *San Francisco Chronicle* (July 20, 2017)

Frameworks of Information Privacy, Civil Discourse Column for *Daily Journal*, July 30, 2008

“The Law of Prime Numbers,” 68 *N.Y.U.L.Rev* 185 (1993) [co-authored]

AMICUS BRIEFS, PAPERS, & UNPUBLISHED MANUSCRIPTS:

Amicus Brief of California Tort Law Professors, Case No. S246669, *Southern California Gas Company v. Superior Court of Los Angeles County* (Supreme Court of the State of California) (2019) (assisted on brief)

Amicus Curiae Letter of Group of Law Professors In Support of Petition For Review in Franklin Mint, Co. v. Manatt, Phelps, & Phillips, L.L.P. Docket S183545, California Supreme Court (July 8, 2010) (principal author)

The Vanishing Civil Trial: An Overview of The Phenomenon and A Survey of Possible Causes, a paper produced by Civil Justice Program for American Bar Ass'n National Legal Malpractice Conference, Sept 4, 2008 (with Gali Ben-Ami)

BRIEFING BOOK: ACCESS TO JUSTICE: CAN BUSINESS CO-EXIST WITH THE CIVIL JUSTICE SYSTEM? (85 pp. booklet prepared for journalists and lawyers participating in Civil Justice Symposium, October 2004).

TRANSNATIONAL HUMAN RIGHTS, ENVIRONMENTAL & LABOR LITIGATION (tentative draft 2000) (casebook materials)

"Theory and Practice in a First Year Torts Class," (2000) (description of Harvard Law School course taught from 1995-2000)

"Experiential Learning in Legal Academia," (draft, 2001)

FILM & VIDEO PRODUCTIONS:

CREATOR, WRITER, AND EXECUTIVE PRODUCER OF SHORT LAW VIDEOS.

Videos designed to surface issues of cultural conflict in contemporary tort issues.

Stalking? (2003) (fictional portrayal of alleged stalking events)

BabyKins (2002) (class project demonstrating product malfunction and potential tort claims)

Life's Worth (portrayal of the monetary value assigned by the tort system to the lives of a variety of people ranging from poor to well-off) (filming completed)

EXECUTIVE PRODUCER/WRITER SHORT PROMOTIONAL VIDEOS:

"The Civil Justice Program at Loyola Law School" (2010) (EP only)

"Tribute to Skip Keesal & Brian Panish, Champions of Justice" (2010) (EP only)

"The Journalist Law School" (Version I—for journalists; & Version II—for potential sponsors) (2007)

"The Civil Justice Program at Loyola Law School" (2006)

"The Theory of the Case: A Products Liability Mock Trial" (filmed October, 2004)(EP only)

REPRESENTATIVE PRESENTATIONS (PARTIAL LIST):

"KIDS PLAY," LAW DEPARTMENT, SCIENCES-PO, PARIS, FRANCE (MARCH 2024)

"Challenging Speech: Do Trump, Technology, and Bad Actors Undermine Free Speech and Thought, and Threaten Democracy?," 17th Annual First Amendment Week,

Forum on Media Ethics & Social Responsibility, Loyola Marymount University, Los Angeles (February 21, 2019)

Lecture, National Judicial College, "Attacks upon the Press and Judicial Independence: Symposia for Judges and Journalists," National Press Club, Washington, D.C. (December 12, 2018)

"Judicial Independence," CAL-ABOTA Civics Education Program for high school teachers, Sacramento, CA (Sept. 17-18, 2017)

"The Dark Side 2.0: Privacy," at Symposium, From Clay to the Cloud: The Internet Archive and Our Digital Legacy, sponsored by LMU Department of Communications and Laband Art Gallery, October, 2017 (addressed privacy issues and anonymity)

The Dark Side: Privacy," at Symposium, From Clay to the Cloud: The Internet Archive and Our Digital Legacy, Loyola Marymount University (March 2016)

The Journalist Law School," American Board of Trial Advocates (October 2012)

"Why Anonymity?," Privacy Law Scholars Conf, U.C. Berkeley (June 2012)

"Sketches Towards a Progressive Torts Scholarship," Conference in Honor of Rick Abel entitled, An Unfinished Project: Law & the Possibility of Justice (UCLA, Sept 11, 2009)

"Injuries without Remedies," (CJP Symposium, LLS, March 26, 2010)

"The Decline of the Civil Jury," American Bar Association, San Francisco (September 2008)

"The Journalist Law School at Loyola Law School," American Board of Trial Advocates, Banff, Ontario, Canada (August, 2008)

"Can Lawyers Do Anything about Mis-reports on the Law?," Annual Meeting, Florida Chapters of American Board of Trial Advocates, Orlando (July, 2008)

"Why the (Civil) Jury?," American Board of Trial Advocates, Los Angeles Chapter April 2008)

"Introduction to Frontiers of Tort Law," Civil Justice Program Symposium, Loyola Law School (January, 2008)

"Judging and the Media," Presentation to the Board of the National Judicial College, Los Angeles (October, 2007)

- "Pop Culture and Law," Symposium on Popular Culture and the Law, Civil Justice Program, Loyola Law School, Los Angeles (September, 2006)
- "RFID Chips & Privacy," program sponsored by Individual Rights Section of Los Angeles County Bar, Los Angeles (January, 2006)
- "Common Errors in Covering the Legal System," Los Angeles Press Club (December 2005)
- "Pragmatic Privacy," UCLA, program sponsored by Journal on Law & Technology, Los Angeles (November 2005)
- "Introduction: The Economics of Civil Justice," Symposium sponsored by Civil Justice Program at Loyola Law School, Los Angeles (October, 2005)
- "Naming, Framing, and Claiming: Winning Briefs from the First Sentence," Consumer Attorney's Association of Los Angeles, Las Vegas (September 2005)
- "The Civil Justice Program at Loyola Law School," The American Board of Trial Advocates, Seattle, WA (August, 2005) and similar, Federation of Defense and Corporate Counsel Annual Meeting, La Costa, CA (July, 2005)
- "What's a Jury Good For?," National Jury Trial Summit, Las Vegas, sponsored by, *inter alia*, ABA, ABOTA, FDCC, and ATLA (March 2005)
- "Brainstorming about Civil Justice," Loyola Law School Civil Justice Program on the civil justice system (December 2004)
- "Keynote: The Past & Future of Tort Reform," presented at Loyola Law School's first annual Symposium on the Civil Justice System (October 2004)
- "What is 'Tort Reform'?", Loyola Law School faculty colloquium (September 2004)
- "Privacy and First Amendment Issues in Cyberspace," UCLA Graduate School of Education & Information Studies (GSE&IS) (November, 2002)
- "The Structure of Tort Argumentation," Loyola Law School Faculty Colloquium (November, 2002)
- "Creating & Using Video Hypotheticals in Law Teaching," Loyola Law School (October, 2002)
- "Controlling Speech," Intellectual Property Colloquium, Loyola Law School (April 3, 2001)

Guest Lecture, "Transnational Litigation of Human Rights, Environmental & Labor Cases in United States Courts," Northeastern University School of Law (December, 2000)

"Why Internet Voting?," Conference on Internet Voting, Loyola Law School, Los Angeles (November, 2000)

"Theory and Practice/Equality and Speech," Suffolk University Law School, Boston, MA (January 1998)

"Hate Speech in Context," Boston College Law School Faculty Colloquium, Boston, MA (January 1995)

"Hate Speech: The Case of Verbal Threats," Boston University Faculty Colloquium, Boston, MA (October 1994)

"Hate Speech," Constitutional Law & Theory Workshop, European Law Research Center & University of Athens, Athens, Greece (May 1994)

"Regulating Hate Speech," Boston Philosophy Group, Cambridge, MA (January 1994)

Keynote Speaker, Cambridge Human Rights Commission,
"Free Speech/Hate Speech: Rights in Conflict," Cambridge, MA (November, 1993)

"Are Tort Remedies Useful in Regulating Hate Speech?," Law & Society Association annual meeting, Chicago, Ill. (May 1993)

"The Idea of Competition in Early 19th Century America," Law & Society Association annual meeting, San Francisco (June 1992)