

March 26, 2005

MAE KUYKENDALL

Michigan State University College of Law
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EDUCATION

Harvard University Law School, J.D. *cum laude*, 1985

University of North Carolina, Ph.D., Political Science, 1980; M.A., 1972
Ph.D. Dissertation: "Democratic, Legal and Administrative Values in Courts"
Fields: Public Law; Judicial Process; American Politics

University of Houston, B.A. *summa cum laude*, Political Science, 1969

ACADEMIC EXPERIENCE

Michigan State University College of Law
Senior Associate Dean and Professor of Law, Fall 2004 –
Associate Dean and Professor of Law, Fall 2003-Fall 2004
Acting Associate Dean and Professor of Law, Summer 2003-Fall 2003
(Name change in 1997—formerly Detroit College of Law)
Professor of Law, 1997 -
Associate Professor, 1995-97
Visiting Associate Professor, 1993-95

Florida State University College Law
Visiting Professor of Law, Spring 2001

Wayne State University Law School
Visiting Assistant Professor, 1992-93

Harvard University Law School
Instructor, Legal Methods, Fall Term 1984-85

College of William and Mary
Lecturer, Department of Government, 1978

University of South Carolina College of Criminal Justice
Lecturer, Fall Term 1977

Randolph-Macon Woman's College
Assistant Professor, Department of Politics, 1973-74

University of North Carolina
Teaching Fellow, Department of Political Science, 1972-73

LEGAL EXPERIENCE

Debevoise & Plimpton

Associate, Corporate, September 1986-July 1992

Principal Areas of Practice: Corporations; Corporate Finance; Securities

United States Court of Appeals for the Eleventh Circuit

Law Clerk, Hon. Joseph W. Hatchett, 1985 Term

Ropes & Gray

Summer Associate, 1984

Goodwin, Procter & Hoar

Summer Associate, 1983

OTHER PROFESSIONAL EXPERIENCE

United States Department of Justice

Assistant Administrator, Federal Justice Research Program, Office for Improvements in the Administration of Justice, 1980-81; Coordinator for Adjudication Statistics, Bureau of Justice Statistics, 1981-82.

National Center for State Courts

Project Director, numerous projects in Judicial Administration, 1974-80
(Mid-Atlantic Regional Director, 1979-80).

PROFESSIONAL PUBLIC SERVICE

Co-Reporter, Corporation Law Committee, Business Law Section, Michigan State Bar (Revisions completed during 2004 and presented to legislature during 2005).

American Bar Association, Business Law Section, Liaison to Editorial Board of Business Law Today, Institutes and Seminars Committee (member, 2003-)

Reporter, Nonprofit Corporations Committee, Business Law Section, Michigan State Bar (prepared draft of proposed amendments to the Michigan Nonprofit Corporation Act).

Co-Reporter, Corporation Law Committee, Business Law Section, Michigan State Bar (Committee prepared significant revisions to Michigan Business Corporations Code that were enacted by the Michigan legislature and signed by the governor in 2001).

Member, Corporation Law Committee, Business Law Section, Michigan State Bar (Committee prepared major revisions to Michigan Business Corporations Code in 1996-97 enacted by Michigan legislature in Fall 1997).

RESEARCH AND TEACHING INTERESTS

Corporations; Mergers & Acquisitions; Constitutional Law; Corporate Finance; Securities; First Amendment; Judicial Process and Administration; Law and Gender; Business Law and Narrative.

Special Teaching Activity: Co-teaching Mergers & Acquisitions with Clifton E. Haley, former President of Budget Rent A Car and President of MSU College of Law (joint preparation of a transaction- oriented e-book).

SPEECHES, LECTURES AND PANELS

Panelist, Association for the Study of Law, Culture, and the Humanities, presenting paper titled Elite Discourse, Regular Folks, and the Silence Principle in panel titled The Law of Silence: Gestures, Combat, and Social Risk, Austin, Texas, March 12, 2005.

Participant in debate on gay marriage, *The Right to Marry in America: Where Do We Go or Where Do We Stay?* Widener University School of Law, Harrisburg, Pennsylvania, October 21, 2004.

Conference Presenter, International Conference on Divorce: Causes and Consequences, sponsored by the International Society of Family Law and China University of Political Science and Law (co-host for regional conference in China), "Divorce, Love and Marriage in America: Public and Private Narratives," Beijing, China, July 20, 2004.

Speaker, Central States Law School Association, September 28, 2002, University of Kentucky School of Law, "Corporate Law as Text: Reflections on the Corporate Federalism Debate"

Speaker, Central States Law School Association, October 21, 2000, John Marshall School of Law Chicago, Illinois, "Gay Marriages and Civil Unions: Democracy, the Judiciary and Discursive Space in the Liberal Society"

Speaker, 12 Annual Conference of Society for the Advancement of Socio-Economics, London School of Economics, "In the Corporation, There's a Story, I Trust," July 2000.

Speaker, "A Consideration of Gay Marriage and Civil Unions: State Courts, Legislatures, and Voters," New Frontiers in Family Law, A Half-Day Seminar on Cutting Edge Issues in Family Law, Michigan State University College of Law, April 8, 2000.

Guest Lecturer, Enterprise Organizations class, University of Michigan Law School, March 30, 2000 (director liability, with specific treatment of exculpation, indemnification, and insurance).

Panelist, Freedom to Marry Conference sponsored by the Harvard Civil Rights-Civil Liberties Law Review, Harvard Law School, Feb. 12-13, 1999.

Speaker, Central States Law School Association, October 1998, University of Akron Law School, Akron, Ohio, "Same-Sex Marriage: Linguistic Failure and the Priority of a Living Language."

Presentation on Director Liability at meeting of Society of Socio-Economics, University of Wisconsin at Madison, July 1999.

ACADEMIC SERVICE AND ADMINISTRATION

Chair, Faculty Appointments Committee, Spring 2005

Member, Curriculum Committee, 2004-05

Member, Faculty Appointments Committee, Curriculum Committee (2003-05)

Member, Faculty Appointments Committee (Spring 2003)

Chair, Committee on Academic Governance and Bylaws (2001-02) (first to chair committee created with responsibility to recodify faculty policies and propose system of academic governance involving shared faculty and Decanal authority).

Chair, Corporate Concentration (2001-)

President, Central States Law School Association (2000-01; hosted annual meeting at Michigan State University College of Law in October 2001).

Chair, Library Director Recruitment Committee (2000-01) (resulted in hiring second in command at University of Chicago Law School Library).

Faculty Secretary (Fall 2000) (volunteer in relief of first year faculty members).

Member, Harvard Law School 15th Anniversary Fund Raising Committee (2000-01).

Vice-President, Central States Law School Association (1999-00); Treasurer (1998-99).

Member, Faculty Law Review Advisory Committee, Michigan State University College of Law Review (1999-01).

Member, Planning Group, Joint Telecommunications Symposium, Quello Center and Michigan State University College of Law Review (symposium to be held in April 2000 in Washington, D.C.).

Co-Chair, Faculty Self Study Committee for American Bar Association inspection, Fall 1999 (primary drafter).

Chairman, Faculty Finance Committee (1999-00).

Member, Faculty Appointments Committee (1998-99; 1999-00; 2001-02) (1999-00, recruited two tenure-track hires; prepared policy paper on lateral hires; 2001, recruited five tenure system hires).
Member, Dean's Search Committee (1999-00) (resulted in hiring a Dean).

President and founding member, Barrett Society (faculty group formed to encourage and support scholarly production and foster visibility for academic work).

Faculty representative in talks relating to possible legal education initiative in Grand Rapids, Michigan (1999-00).

Faculty Secretary (1994-95; Fall 2000).

STUDENT-RELATED ACTIVITIES

Founding Faculty Adviser, Women's Legal Forum and Gender Review (2002-)

Faculty Adviser, Women's Law Association (1999-01; 2002-).

Faculty Adviser, Triangle Bar Association (1996-).

Speaker, Diversity Day, January 2000 (legal status of sexual minorities).

PUBLICATIONS

President Bush, Gay Marriage, and the Constitution: A Tangled Web, 13 WIDENER L.J. 799, (2004) (by invitation).

Reflections on a Corporate Law Draftsman: Ernest L. Folk's Lessons for Judging and Writing Corporate Law, 35 RUTGERS L.J. 391 (2004).

Liberty in a Divided and Experimental Culture: Respecting Choice and Enforcing Connection in the American Family, 12 UCLA WOMEN'S L.J. 251 (2003).

Comment on Gay Marriages and Civil Unions: Democracy, the Judiciary and Discursive Space in the Liberal Society, 52 MERCER L. REV. 1003 (2001).

Assessment and Evaluation: Retheorizing the Evolving Rules of Director Liability, 8 J.L. & POL'Y 1 (1999) (by invitation).

Comment on Kostant: Tune in to Hear Stories of Corporate Governance, the Adventures of the Go-Between and More Exciting Tales of Corporate Law, 28 J. OF SOCIO-ECONOMICS 259 (1999) (response by invitation).

Resistance to Same-Sex Marriage as a Story about Language: Linguistic Failure and the Priority of a Living Language, 34 HARV. C.R.-C.L. L. REV. 385 (1999).

Symmetry and Dissonance in Corporate Law: Perfecting Exoneration of Directors, Corrupting Indemnification and Straining the Framework of Corporate Law, 1998 COLUM. BUS. L. REV. 443 (1998).

Johnny Mack Brown, 7 TEX. J. OF WOMEN & LAW 123 (1997).

An Essay on Defined Terms and Cultural Consensus, 13 J.L. & POL. 199 (1997).

A Neglected Policy Option: Indemnification of Directors for Amounts Paid to Settle Derivative Litigation -- Looking Past "Circularity" to Context and Reform, 32 SAN DIEGO L. R. 1063 (1995).

OTHER PUBLICATIONS

Gay Marriage, Federalism and Democracy: Professor Dale Carpenter Answers Questions Posed by Senate Republicans, *The Amicus* (Winter 2003-04).

Letter to the Editor, New York Times, September 21, 2001 (arguing that expedited legislative action to permit Mayor Giuliani to run for reelection would not harm democracy but the value of procedural regularity and predictability).

Letter to the Editor, New York Times, October 12, 2000 (clarifying the difference between a right of reproductive choice and a right to elect representatives to make policy on reproductive choice).

Who Should Dictate the Meaning of Marriage?, San Francisco Chronicle, February 2, 2000 (with Wildenthal).

Rachel and the Law, 2 DICTA 35 (1983) (literary journal formerly published at Harvard Law School).

WORKS IN PROGRESS

An Intellectual History of the Corporate Federalism Debate (in progress).

Corporate Law as Text (in progress).

Elite Discourse, Regular Folks, and the Silence Principle (in progress).

Business Law and Narrative (in progress).

BAR ADMISSIONS

New York (1987)

Massachusetts (1986)

Eleventh Circuit (1986)

Southern District of New York (1986)

ARTICLES AND PUBLICATIONS PRIOR TO LAW CAREER

Book Review (Goldman's *Ineffective Justice: Evaluating the Preappeal Conference*) in Appellate Court Administrative Review (1980): 19.

With Thomas B. Marvell, "Appellate Courts Facts and Figures," 4 STATE COURT JOURNAL 2 (1980): 9.

With Victoria S. Cashman, "Public Image of the Courts," paper presented at the National

Conference on Public Views of Doctors and Lawyers, Annenberg School of Communications, University of Pennsylvania, 1979.

“*Should Hidden Standards Shape Our Courts?*” 61 JUDICATURE (1977): 57, 94.

With Richard J. Richardson and Darlene Walker, “*Judicial Activism: A Measure of Intrasystem Conflict*,” RESEARCH PREVIEWS 20 (1973) 2: 13-16.

“*The United States Supreme Court and Judicial Conflict*,” unpublished master's thesis, University of North Carolina, December 1972.

With others, Options for Publishing Virginia Supreme Court Opinions, 1980.

With others, Virginia Court Organization Study, Final Report, 1979.

With others, District of Columbia Court of Appeals: Workload Problems and Possible Solutions, 1979.

Puerto Rico Technical Assistance, 1976.

SPEECHES, PRESENTATIONS AND OTHER PROJECTS PRIOR TO LAW CAREER

Panel Discussant, “State Court Administration and Politics” and Panel Chair, “Justice in the Trial Courts” at Southern Political Science Association Meeting, November 1980.

Moderator, Round-table discussion of American Bar Association Standards of Judicial Administration, Tallahassee, Florida, November 14, 1979 (participants: Florida Chief Justice, State Court Administrator, intermediate appellate court judges, Governor's counsel, and representatives of Judicial Administration Division, Florida Bar and general public).

Testifier, Florida Senate Judiciary Civil Committee, “Florida Supreme Court Jurisdiction: Analysis of the Proposed Amendment to the Florida Constitution, Article V, Section 3,” Tallahassee, Florida, September 19, 1979.

Speaker, 1979 Virginia Circuit Court Judges Conference, Williamsburg, Virginia, May 1979.

Speaker, Jury Plan Training Session for Territorial Court Clerks and Marshals, St. Thomas, Virgin Islands, January 1979.

Workshop Reporter, Second National Conference on the Judiciary, Williamsburg, Virginia, March 1978.

Producer, “We The People,” a juror orientation videotape used throughout Virginia, Summer 1977.

Discussant, “Women and Public Administration,” Western Social Science Association, Phoenix, Arizona, Spring 1976.