

THOMAS ROSS

Professor of Law

University of Pittsburgh School of Law
3900 Forbes Avenue
Pittsburgh, PA 15260
(412) 648-1312
tr1@pitt.edu

Education

J.D. - University of Virginia - 1974
Virginia Law Review, Editorial Board
Order of the Coif

B.A. with High Honors
University of Virginia - 1971
Philosophy Honors Program

Professional Employment

University of Pittsburgh School of Law, Pittsburgh, PA	
Professor	since 1990
Director of Clinical Programs	1998-2000
Associate Professor	1984-90

Vermont Law School, South Royalton, VT	
Associate Professor	1981-84
Assistant Professor	1979-81

The Ford Foundation, New York, NY	
Consultant for Real Estate and Venture Capital Investments	1980-82

Hogan & Hartson, Washington, D.C.	
Associate in Real Estate and Banking Department	1975-79

Stanford Law School, Stanford, CA	
Teaching Fellow	1974-75

Cravath, Swaine & Moore, New York, NY

Teaching Subjects

The Law and Ethics of Lawyering
Torts
Race and Law
Jurisprudence

Publications

Books

THE LAW AND ETHICS OF CONTEMPORARY LEGAL PRACTICE (West Publishing forthcoming 2011)

JUST STORIES—HOW THE LAW EMBODIES RACISM AND BIAS (Beacon Press 1996).

Articles, Book Chapters, and Essays

“The Ethical Responsibilities of the Lawyer-Lobbyist,” THE ABA LOBBYING MANUAL (William Luneburg & Thomas Susman, eds.) (ABA 2009).

“Judicial Opinions as Racial Narratives: The Story of Richmond v. Croson,” Reginald Oh & Thomas Ross in RACE LAW STORIES (Rachel Moran & Devon Carbado, eds.) (Foundation Press 2008).

“Instrumental Racism: A Convenient Untruth,” 50 HOWARD L.J. 685 (2007) (paper based on lecture delivered at the Branton Symposium at Howard Law School).

“Lawyers and Abusive Tax Shelters: Civil Liability,” 18 THE PROFESSIONAL LAWYER 99 (ABA 2007) (paper based on remarks delivered at the ABA National Conference on Professional Responsibility).

“Whiteness After 9/11,” 18 WASH.U.J. LAW & POLICY 223 (2005) (paper based on lecture delivered at the Symposium on “Whiteness: Some Critical Perspectives” at Washington University).

“Teaching Constitutional Law Stories,” 55 J.LEGAL ED. 126 (2005) (reviewing *Constitutional Law Stories* (Michael Dorf, ed.) (Foundation Press 2004)).

“Lawyers and Fraud: A Better Question,” 43 WASHBURN L.J. 45 (2003) (invited contribution to an issue devoted to lawyers and the Sarbanes-Oxley Act).

“The Unbearable Whiteness of Being,” in *Crossroads, Directions, and a New Critical Race Theory* (Valdez, Culp, Harris, eds.) (Temple Univ. Press 2002).

“Being White,” 46 BUFFALO L. REV. 257 (1998) (reviewing Ian Haney-Lopez, *White by Law* (NYU Press 1997)).

“Knowing No Other Duty: Privity, the Myth of Elitism, and the Transformation of the Legal Profession,” 32 WAKE FOREST L. REV. 819 (1997) (invited contribution to the Legal Professionalism Symposium Issue).

“Despair and Redemption in the Feminist Nomos,” 69 INDIANA L.J. 101 (1993).

“The Rhetoric of Poverty: Their Immorality, Our Helplessness,” 79 GEORGETOWN L.J. 1499 (1991).

Reprinted in Daan Braveman & Leslie Bender, *Civil Rights Reader* (West 1995); Jeanne Woods, *Human Rights and the Global Marketplace* (Transnational Pub. 2004).

“A Matter of Character,” RECONSTRUCTION 109 (Vol. 1, No. 3, 1991).

“The Rhetorical Tapestry of Race: White Innocence, Black Abstraction,” 32 WILLIAM & MARY L. REV. 1 (1990).

Reprinted in Fisher & Devins, *Political Dynamics of Constitutional Law* (West 1992); Delgado & Stefancic, *Critical White Studies: Looking Behind the Mirror* (Temple Univ. Press 1997); Perea, Delgado, Harris, Wildman, and Stefancic, *Race and Races- Cases and Resources For a Diverse America* (West 2000).

“Innocence and Affirmative Action,” 43 VANDERBILT L. REV. 297 (1990).

Reprinted in Richard Delgado, *Critical Race Theory: The Cutting Edge* (Temple Univ. Press 1995) and Delgado & Stefancic, *Critical White Studies: Looking Behind the Mirror* (Temple Univ. Press 1997).

“The Richmond Narratives,” 68 TEXAS L. REV. 381 (1989).

Reprinted in Richard Delgado, *Critical Race Theory: The Cutting Edge* (Temple Univ. Press 1995).

“Metaphor and Paradox,” 23 GEORGIA L. REV. 1053 (1989) (part of the Jurisprudence Symposium issue).

“Introducing Law,” 87 COLUMBIA L. REV. 859 (1987) (reviewing Burton, *An Introduction to Law and Legal Reasoning* (Little, Brown 1985)).

“Taking TAKINGS Seriously,” 80 NORTHWESTERN UNIV. L. REV. 1591 (1986) (reviewing Epstein, *Takings: Private Property and the Power of Eminent Domain* (Harv. Univ. Press. 1985)).

“Modeling and Formalism in Takings Jurisprudence,” 61 NOTRE DAME L. REV. 372 (1986).

“The Impact of Section 547 of the Bankruptcy Code Upon Secured and Unsecured Creditors,” 69 MINN. L. REV. 39 (1984).

“Transferring Land to Private Entities by the Power of Eminent Domain,” 51 GEO. WASH. L. REV. 355 (1983).

Selected Other Writings

Co-author, “How Washington Abetted the Bank Job,” New York Times, op-ed pages, April 3, 2010.

“Lawyers and Fraud: The Academy’s Complicity,” Pitt Law Magazine 6 (Fall 2007).

Co-author, Comments on the Proposed Interagency Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Activities (71 Fed. Reg. 28326 (May 16, 2006) (comments criticizing the proposed interagency policy of the OTC, OTS, Federal Reserve, FDIC, and SEC regarding the participation of financial institutions in structured finance transactions, including those yielding the derivative products at the core of the current financial meltdown), reprinted in the INTERNATIONAL FINANCIAL LAW REVIEW (July 2006).

Co-author, Amicus Curiae Brief in *Ortiz v. Fibreboard Corp.* (U.S. Supreme Court, October Term 1998, No. 97-104) (brief arguing that conflicts of interest of class counsel rendered their representation of the asbestos plaintiffs’ class inadequate).

Selected Presentations

“The Ethical Lawyer: Rules and Responsibilities in a Multi-Jurisdictional World,” ABA Section of Environment, Energy & Resources Annual Fall Meeting, Pittsburgh, PA, September 2007.

“The Academy’s Complicity in Lawyer’s Complicity in Fraud,” Law and Society Association Annual Meeting, Berlin, Germany, July 2007.

“Abusive Tax Shelters: Ethical Pitfalls for Lawyers,” ABA National Conference on Professional Responsibility, Chicago, IL, May 2007.

“Instrumental Racism,” Third Annual Wiley A. Branton Symposium, Howard Law School, October 2006.

“Metaphysicians Manques,” Law and Society Association Annual Meeting, Baltimore, MD, July 2006.

“Narrative and Desire in Affirmative Action,” Symposium on *Race Law Stories*, part of Fordham University Law’s School’s Centenary Celebration, November 2005.

“Whiteness After 9/11,” Symposium, “Whiteness- Some Critical Perspectives,” Washington University School of Law, October 2004.

“Whose Word is Law?” faculty workshops at the University of Virginia Law School (January 2001) and at the Boston University School of Law (February 2001).

“Whiteness,” Faculty Colloquia Series, St. John’s University School of Law, November 1999.

“Critical White Studies,” Conference on Critical Race Theory, Yale Law School, November, 1997.

Lecturer, Legal Ethics Program, Boston University School of Law, March 1997.

“Who is the Client? Selected Legal and Ethical Problems in the Representation of Organizations,” CLE Program, University of Pittsburgh School of Law, July 1995.

“Lawyers’ Liability to Non-Clients in Transactional Settings,” CLE Program, University of Pittsburgh School of Law, December 1994.

“Conference on Corporation Law and Ethics,” sponsored by the Keck Foundation, Yale Law School, April 1993.

“Conference on Property Law and Ethics,” sponsored by the Keck Foundation, University of Pittsburgh School of Law, December, 1992.

“Despair and Redemption in the Feminist Nomos,” Law and Society Association Annual Meeting, Philadelphia, PA, May 1992.

“Race and Equality,” Institute of Bill of Rights Law, Marshall-Wythe School of Law, College of William and Mary, June 1991.

“The Rhetorical Tapestry of Race: White Innocence and Black Abstraction,” Law and Society Association Annual Meeting, Berkeley, CA, June 1990.

Participant, Bicentennial Seminar for Law Professors, sponsored by the National Endowment for the Humanities, Stanford University, June-July, 1987.

Selected Expert Witness Engagements

In re Enron Corp. Securities Litigation, Civil Action No. H-01-3624, U.S. District Court for the Southern District of Texas (2006). Retained by the lead counsel for the plaintiffs in the Enron class action civil litigation to assist in the preparation of an expert report on the conduct of Enron’s outside counsel, Vinson & Elkins.

In the Matter of Scott G. Monson, Admin. Proceeding No. 3-12429, Before the Securities and Exchange Commission (2006). Retained by the SEC in an enforcement proceeding to prepare an expert report on the conduct of the former general counsel of a brokerage firm.

Travelers Casualty et al. v. Allegheny General Hospital v. J&H Marsh & McLennan, Inc. (Civil Action No. 99-209) (Federal District Court for the Western District of PA). In this litigation, I provided expert testimony on behalf of the Defendant/Third Party Plaintiff, Allegheny General Hospital, in both a deposition (October 2004) and at trial (May 2005). My testimony concerned the ethics of corporate counsel for Allegheny General.

University Service

Served on various Law School faculty committees, including serving on Dean Search Committee (2004-05) and as Chair, Faculty Appointments (2002-03 and 2004-06).

University Senate Commonwealth Relations Committee (committee charged with building relations with state legislators), Member 1986-93, 95-98, Chairperson 1988-89.

Community Service

Assisted in the founding, and serving as Secretary, of *Sarah's Place* (a foundation devoted to helping those with neurological problems that fall outside the conventional diagnostic categories- www.sarahs-place.org), January 2006- current.

Board of Directors, Mt. Lebanon Extended Day Program, Inc., Mt. Lebanon, Pa., 1991-93, Vice-President, 1992-93; Advisory Board, 1993-99.

Member of various strategic planning committees, Mt. Lebanon School District, Mt. Lebanon, PA, 1991-94, and served on the District's Steering Committee for 2004 strategic planning.

Professional Associations

Virginia State Bar
District of Columbia Bar
American Society for Political and Legal Philosophy
Law and Society Association
Society of American Law Teachers