

## RÉSUMÉ OF ARTHUR R. MILLER

Bruce Bromley Professor of Law

Office Address: Areeda Hall 225  
Harvard Law School  
Cambridge, MA 02138

telephone 617/ 495-4111 fax (617) 495-9191  
secretary 617/ 496-2026  
e-mail swagner@law.harvard.edu

Home Address: 65 South Great Road  
Lincoln, MA 01773

telephone 781/ 259-8277

Born: June 22, 1934, Brooklyn, New York

College Education: University of Rochester  
A.B. 1955, with high honors  
Phi Beta Kappa

Professional Education: Harvard Law School  
LL.B. 1958, magna cum laude  
Articles Editor, Harvard Law Review

Professional Employment:

1958-61, associated with Cleary, Gottlieb, Steen & Hamilton, New York, New York

1961-62, Associate Director, Columbia Law School Project on International Procedure

1961-62, Lecturer, Columbia Law School

1962-65, Associate Professor, University of Minnesota Law School

1965-72, Professor, University of Michigan Law School

1971-72, Visiting Professor, Harvard Law School

1972-present, Professor, Harvard Law School

1987-present, Bruce Bromley Professor of Law, Harvard Law School

2001-2002, Visiting Professor of Law, New York University School of Law

1989-1991, affiliated with Mayer, Brown & Platt, Chicago, Illinois

## **Publications relating to Civil Procedure, Copyright, and Other Legal Topics**

### Books

*Cases and Materials on Equitable Remedies*, 532 pages (mimeographed)

*Civil Procedure: Cases and Materials*, 1,389 pages, with J.J. Cound, J.H. Friedenthal, and J. Sexton (eight editions)

*Civil Procedure* (Hornbook), 880 pages, with J.H. Friedenthal and M.K. Kane (two editions)

*Civil Procedure Supplement*, 513 pages, with J.J. Cound and J.H. Friedenthal (nineteen editions)

*Federal Practice and Procedure*, more than thirty-five volumes, with C.A. Wright, some with E.H. Cooper, M.K. Kane, and R. Marcus

*Intellectual Property: Patents, Trademarks and Copyright in a Nutshell*, 437 pages, with M.H. Davis (two editions)

*Manual -- CPLR*, 1,050 pages, with J.B. Weinstein and H.L. Korn

*Miller's Court*, 302 pages, Houghton Mifflin; paperback, New American Library (Plume)

*New York Civil Practice*, eight volumes, with J.B. Weinstein and H.L. Korn

*Pleading, Joinder and Discovery -- Cases and Materials*, 643 pages, with J.J. Cound and J.H. Friedenthal

*Sum and Substance of Civil Procedure*, 417 pages, with J.H. Friedenthal (four editions)

### Articles

"Copyright Term Extension: Boon for American Creators and the American Economy," 45 *Journal of the Copyright Society of the USA* 319 (1998)

- "Artful Pleading: A Doctrine in Search of Definition", 76 *Texas Law Review* 1781 (1998)
- "Copyright Protection for Computer Programs, Databases, and Computer-Generated Works: Is Anything New Since CONTU?", 106 *Harvard Law Review* 1977 (1993)
- "Confidentiality, Protective Orders, and Public Access to the Courts," 105 *Harvard Law Review* 428 (1991)
- "Resolving the Asbestos Personal-Injury Litigation Crisis," 10 *Review of Litigation* 419 (1991), with P. Ainsworth
- "The New Certification Standard Under Rule 11," 130 *Federal Rules Decisions* 479 (1990)
- "Jurisdiction and Choice of Law in Multistate Class Actions After Phillips Petroleum Co. v. Shutts," 96 *Yale Law Journal* 1 (November 1986), with D. Crump
- "Ancillary and Pendent Jurisdiction," 26 *South Texas Law Journal* 1 (Spring 1985)
- "The Adversary System: Dinosaur or Phoenix," 69 *Minnesota Law Review* 1-37 (October 1984) (Lockhart Lecture)
- "Of Frankenstein Monsters and Shining Knights: Myth, Reality and the 'Class Action Problem,'" 92 *Harvard Law Review* 664-94 (1979)
- "Problems of Giving Notice in Class Actions," 58 *Federal Rules Decisions* 313-34 (1973)
- "Problems in Administering Judicial Relief in Class Actions under Federal Rule 23(b)(3), 54 *Federal Rules Decisions* 501-13 (1972)
- "Service of Process Under Rule 4 -- Some Unfinished Business for the Rulemakers," 46 *Federal Rules Decisions* 101-40 (1969)
- "Computers, Copyrights, and Medicine," *Visual Medicine*, June/July 1967, 32-36
- "Computers and Copyright Law," 46 *Michigan State Bar Journal* 11-18 (April 1967)
- "Federal Rule 44.1 and the 'Fact' Approach to Determining Foreign Law: Death Knell for a Die-Hard Doctrine," 65 *Michigan Law Review* 613-750 (February 1967)
- "International Cooperation in Litigation Between the United States and Switzerland: Unilateral Procedural Accommodation in a Test Tube," 49 *Minnesota Law Review* 1069-1132 (May 1965)

## Monographs and Chapters

- "The August 1983 Amendments to the Federal Rules of Civil Procedure -- Promoting Effective Case Management and Lawyer Responsibility," Federal Judicial Center, 41pages (1984)
- "The Class Action -- American Style," Chapter 17, 192-205, *The Cambridge Lectures* (1983)
- "Attorneys' Fees in Class Actions," Federal Judicial Center, 430 pages (1980)
- "An Overview of Federal Class Actions: Past, Present and Future," Federal Judicial Center, 68 pages (1977)
- "International Co-operation in Litigation: Switzerland, in *International Co-operation in Litigation: Europe* 358-81(1965), with M. Guldener
- "International Co-operation in Litigation: Belgium," in *International Co-operation in Litigation: Europe* 30-51(1965) with F. Rigaux
- "International Co-operation in Civil Litigation -- A Report on Practices and Procedures Prevailing in the United States." 103 pages (1961), with H. Smit
- "Problems in the Transfer of Interest in a Copyright," in *Copyright Law Symposium*, Number 10, 131-193 (1959)

## **Publications relating to Privacy, Information, and Computer Technology**

- The Assault on Privacy: Computers, Data Banks and Dossiers*, 320 pages, University of Michigan Press (1971); paperback edition, New American Library (Signet) (1972)
- "Computers, Data Banks and Individual Privacy: An Overview," *Columbia Human Law Review* Volume 4, Number 1, Winter 1972, pp. 1-12
- "The Credit Networks: Detour to 1984," *Nation*, June 1, 1970, pp. 648-51, 669
- "The Dossier Society," *University of Illinois Law Forum*, Volume 1971, Number 2, pp. 154-67
- "The National Data Center and Personal Privacy," *Atlantic*, November 1967, p. 557
- "On Proposals and Requirements for Solutions, Symposium: Computers, Data Banks, and Individual Privacy," *53 Minnesota Law Review* 224-41 (December 1968)
- "Personal Privacy in the Computer Age: The Challenge of a New Technology in an Information-Oriented Society," *67 Michigan Law Review* 1089-1246 (April 1969)

"The Privacy Implications of Instructional Technology," paper prepared for the Commission on Instructional Technology (March 1969)

"The Privacy Revolution: A Report from the Barricades," 19 *Washburn Law Journal* 1-22 (Fall 1979)

"Psychological Testing and Privacy," *Think*, May-June 1969.

"The Right of Privacy -- A Look Through the Kaleidoscope," *SMU Law Review*, Volume 46, Number 1, Summer 1992.

### **Professional Memberships**

Member, American Law Institute

Member, Massachusetts and New York State Bars

Member, United States Supreme Court Bar, the Bars of all of the United States Courts of Appeal, and the Bar of the United States Tax Court

### **Other Professional Activities**

Has argued cases in the United States Courts of Appeal in all thirteen Circuits.

Former member, Advisory Committee on Civil Rules of the Judicial Conference of the United States (by appointment of Chief Justices Burger and Rehnquist)

Former reporter, Advisory Committee on Civil Rules of the Judicial Conference of the United States (by appointment of Chief Justices Burger and Rehnquist)

Reporter, Task Force to Study Court Awarded Attorneys' Fees, U. S. Court of Appeals for the Third Circuit

Reporter, Study on Complex Litigation, American Law Institute

Reporter, Complex Litigation Project, American Law Institute

Member, Special Advisory Committee on Aggregation in Litigation, American Law Institute

Reporter, Civil Justice Advisory Group, U.S. District Court, District of Massachusetts

Member, Special Advisory Group to the Chief Justice of the United States Supreme Court on Federal Civil Litigation

Member, American Bar Association Special Committee on Complex and Multidistrict Litigation

Special Advisor, Board of Editors, Manual on Complex Litigation

Faculty, Federal Judicial Center

Member, American Bar Association Committee on Scientific and Economic Proof

Draftsman, Uniform Interstate and International Procedure Act

Rapporteur, Study on Taking Evidence Abroad, Secretary of State's Advisory Committee on Private International Law

Member of Council, ABA Section on Science and Technology

Member, Institute of Judicial Administration

Listed in *Who's Who in America*

### **Public and Professional Activities relating to Privacy, Information, and Computer Technology**

Chairman, Massachusetts Security and Privacy Council

Member, National Commission on New Technological Uses of Copyrighted Works (CONTU)(by appointment of President Ford)

Member, Special Committee on Automated Personal Data Systems, U.S. Department of Health, Education and Welfare

Member, Special Legislative Commission on Privacy (Commonwealth of Massachusetts)

Member, Governor's Special Commission on Privacy and Personal Data (Commonwealth of Massachusetts)

Member, Panel on Legal Aspects of Information Systems, Committee on Scientific and Technical Information, Federal Council for Science and Technology

Member, Special Decennial Census Review Committee, U.S. Department of Commerce

Member, National Advisory Panel of the Project on Computer Data Banks, National Academy of Sciences

Chairman, Panel on External Affairs, Interuniversity Communications Council (EDUCOM)

Advisor, Special Committee on Computer Research, State Bar of Michigan

Director, American Association of Law Schools Projects on Computer-Assisted Instruction

Member, American Bar Association Committee on Scientific and Economic Proof

Numerous speaking and radio and television appearances on subjects including individual privacy, the census, computer technology, the National Data Center, and computers and the law

**Senate Testimony relating to Privacy, Information, and Computer Technology (in each case at the request of the Subcommittee involved)**

United States Senate Subcommittee on Technology and the Law, August 1, 1990 (caller ID)

United States Senate Subcommittee on Banking, Housing, and Urban Affairs, October 4, 1973 (consumer credit)

United States Senate Subcommittee on Financial Institutions, August 14, 1972 (amendments to Bank Secrecy Act)

United States Senate Subcommittee on Constitutional Rights, February, 1971 (governmental data banks)

United States Senate Subcommittee on Antitrust and Monopoly, December 11, 1968 (credit bureaus)

United States Senate Subcommittee on Administrative Practice and Procedure (the computer and individual privacy)

**Media Activities**

Legal Editor, WCVB-TV Channel 5, Boston

Former Legal Editor, "Good Morning America," ABC-TV

Former Host, "Miller's Law" and "In Context", Courtroom Television Network (Court TV)

Former Host, "Miller's Court," WCVB-TV Channel 5, Boston

Former Host, "Headlines on Trial," WRC-TV Channel 4, Washington, DC, New York, NY

Moderator, numerous public television programs

Commentator, "The Justice Files," Discovery Network

Occasional Columnist, Boston *Globe*, *USA Today*, *ABA Journal*, Los Angeles *Times*

### **Honors and Awards**

Honorary Degree, Doctor of Education, Merrimack College

Honorary Degree, Doctor of Laws, Fitchburg State College

Honorary Degree, Doctor of Laws, Framingham State College

Honorary Degree, Doctor of Laws, University of the Pacific

Honorary Degree, Doctor of Laws, Thomas M. Cooley Law School

Hutchinson Medal for Distinguished Public Service, University of Rochester

National Academy of Television Arts and Sciences Award (Emmy) for hosting  
"The Constitution: That Delicate Balance"

Six New England Regional Academy of Television Arts and Sciences Awards  
for "Miller's Court," hosting, and "The Law Works"

Three American Bar Association Gavel Awards for promoting public understanding  
of the law

Special Recognition Gavel from the American Bar Association for twenty years service  
in promoting public understanding of the law

Award for Patient Advocacy, American Psychiatric Association

Iris Award for outstanding television

Charles Dickens Society Award for the Preservation of Literacy from the National  
Court Reporters Association

Armres 3/7/05