

Jeffrey Standen
Professor of Law

JEFFREY A. STANDEN
Professor of Law
Salmon P. Chase College of Law
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LEGAL EXPERIENCE

PROFESSOR OF LAW

NORTHERN KENTUCKY UNIVERSITY, SALMON P. CHASE COLLEGE OF LAW

July 2018 - present

Subjects: Civil Procedure, Evidence, Remedies, Defamation and the First Amendment,
Quantitative Methods, Real Estate, Gaming Law, Sports Law

OF COUNSEL

HEMMER, DEFRAK & WESSELS, P.C.

September 2020 – present

Defamation; Business Torts; Gaming Law

DEAN, COLLEGE OF LAW

NORTHERN KENTUCKY UNIVERSITY, SALMON P. CHASE COLLEGE OF LAW

July 2013 – July 2018

ASSOCIATE DEAN FOR ACADEMIC AFFAIRS AND FACULTY RESEARCH

VAN WINKLE MELTON PROFESSOR OF LAW

WILLAMETTE UNIVERSITY COLLEGE OF LAW

Associate Dean, June 2011-2013; Van Winkle Melton Professor of Law, 2010-2013;

Assistant, Associate and Professor of Law, 1990-2010

Awards: Robert L. Misner Award for Excellence in Scholarship; Student Bar Association
Award for Professor of the Year

Subjects: Quantitative Methods, Evidence, Sports Law, Gaming Law, Remedies, Criminal
Procedure, Torts, White-Collar Crime, Jurisprudence, Professional Responsibility

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW, VISITING PROFESSOR (1999)

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, SCHOLAR-IN-RESIDENCE (1996)

UNITED STATES SENTENCING COMMISSION, DEPUTY GENERAL COUNSEL (1989-90)

HUNTON & WILLIAMS (NOW HUNTON ANDREWS KURTH) (1986-90)

Litigation practice focused on financial instruments and civil racketeering

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HON. ROBERT F. CHAPMAN, Columbia, South Carolina, 1986-87
Law Clerk, United States Court of Appeals for the Fourth Circuit

BARBRI LECTURER, BARBRI OF WASHINGTON/OREGON 1995-2013; Evidence, Ethics

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, J.D.

Virginia Law Review, Editor

Note: *Critical Legal Studies as an Anti-Positivist Phenomenon*

Virginia Tax Review, Articles Editor

LONDON SCHOOL OF ECONOMICS

GEORGETOWN UNIVERSITY, A.B., Government, *cum laude*

PUBLICATIONS

Books, Chapters, and Contributions:

The Beauty of Bets: Prediction Markets and The Problem of Compensation (Oxford University Press, forthcoming)

Law School Undercover (Fine Print Press, 2011)

Taking Sports Seriously: Law and Sports in Contemporary American Culture (Carolina Academic Press, 2008)

Criminal Law Regulation of Sports Violence, in *Concise Encyclopedia of Sport*, Edward Elgar Publishing (2024)

Blood Sports in an Age of Liability, in *Oxford Handbook of American Sports Law*, Oxford University Press (2018)

Concussion Liability in Organized Sports, in *Oxford Handbooks Online*, Oxford University Press (2017)

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The Law of Sports Wagering, in Oxford Handbooks Online, ed. Markus Dubber, New York: Oxford University Press (2016)

Pete Rose and Baseball's Rule 21, Nine: A Journal of Baseball History (University of Nebraska Press, 2010)

Athletes As Role Models, Sports and Athletes (Christine Watkins, ed., Greenhaven Press 2009)

Commentaries on the Federal Sentencing Guidelines, United States Code Service (Lexis Publishing, 2004) (Chapter on Organizational Sanctions)

Articles:

The Anti-SLAPP Knockout: Litigation Incentives, the Seventh Amendment, and the Lost Tort of Defamation, University of Louisville Law Review 62:293 (2024)

Republication Liability on the Web, Marquette Law Review 105:669 (2022)

The Special Exemption for Fantasy Sports, Northern Kentucky Law Review 42:427 (2015)

The New Labor Market in Collegiate Sports, Oregon Law Review 92:1093 (2014)

The Demise of the African-American Baseball Player, Lewis & Clark Law Rev.18:421 (2014)

Foot Faults in Crunch Time: Temporal Variance in Sports Law and Antitrust Regulation, Pepperdine Law Review 41:349 (2014)

Assumption of Risk in NFL Concussion Litigation: The Offhand Empiricism of the Courtroom, Florida International Law Review 8:71 (2012)

Gaming Law vs. Gambling Law, Gaming Law and Economics Review 15:777 (2011) (peer-reviewed publication)

Peer Effects: Evidence from Law Student Performance (with J. Mark Ramseyer), International Review of Law and Economics 31:1 (2011) (peer-reviewed publication)

Why Harmdoers Pay, University of Missouri-Kansas City Law Review 78:705 (2010)

The Manly Sports: The Problematic Use of Criminal Law to Regulate On-Field Player Conduct, Journal of Criminal Law and Criminology 99:619 (2009)

The Monopoly Myth: A Comment on the Public Funding of Sports Stadiums, Villanova Sports and Entertainment Journal 16:267 (2009)

The Beauty of Bets: Wagers as Compensation for Professional Athletes, Willamette Law Review 42:639 (2006)

The New Importance of Maximum Penalties, Drake Law Review 53:575 (2005) (symposium)

The Politics of Miranda, Cornell Journal of Law and Public Policy 12:555 (2003)

The Production of Pro Bono, Cornell Journal of Law and Public Policy 12:631 (2003)

The End of the Era of Sentencing Guidelines: Apprendi v. New Jersey, Iowa Law Review 87:775 (2002)

The Exclusionary Rule and Damages: An Economic Comparison of Private Remedies for Unconstitutional Police Conduct, Brigham Young University Law Review 2000:1443 (reprinted in 28 Search and Seizure Law Report No. 3 (April 2001))

Private Remedies for Public Purposes, Willamette Law Review 36:927 (2000)

An Economic Perspective on Federal Criminal Law Reform, Buffalo Criminal Law Review 2:49 (1998)

In Pari Delicto, The Social Critic (Spring 1996)

The Fallacy of Full Compensation, Washington University Law Quarterly 73:145 (1995)

Plea Bargaining in the Shadow of the Guidelines, California Law Review 81:1471 (1993); reprinted in Criminal Law Review (James G. Carr, ed., 1995)

Critical Legal Studies as an Anti-Positivist Phenomenon, Virginia Law Review 72:983 (1986)

Other Writings:

- *The Changing Nature of the JD*, Lex Loci (August 2014)
- *Pennsylvania's NCAA Suit Makes No Sense*, CNN.com (January 8, 2013)
- *Equity vs. Debt*, Oregon State Bar Bulletin 70 (February/March 2011)
- *Is the NFL a Single Entity and Therefore Exempt from Antitrust Liability?*, ABA Preview of Supreme Court Cases (January 11, 2010)
- *Up A Tree Without a Nine-Iron*, Legal Times (January 19, 2004)

- *A Good Bet?*, Legal Times (December 1, 2003)
- *Can You Hear Them Now?*, Legal Times (October 13, 2003)
- *In Memory of Robert L. Misner*, 37 Willamette Law Review No. 1 (Winter 2001)
- *Why Can't Michael Play?*, Legal Times (February 14, 2000)
- *Don't Play Pro Se*, Legal Times (August 8, 1999)
- *Car Conundrums: Supreme Court Steers Twisting Route Through Fourth Amendment Law*, Legal Times (June 7, 1999)
- *Teaching Law to Obedient Students*, Willamette Lawyer, Fall 1993

LEGISLATIVE TESTIMONY

Statement Before the Subcommittee on Commerce, Trade, and Consumer Protection, Hearing on "The NFL Starcaps Case: Are Sports' Anti-Doping Programs at a Legal Crossroads?," Committee On Energy and Commerce, 111th Congress of the United States (November 3, 2009)

Statement Before the Subcommittee on Judiciary and Education, Hearing on Admission of the State of New Columbia into the Union, H.R. 2482, Committee on the District of Columbia, United States House of Representatives, 102nd Congress, 2nd Session, pages 138-172 (March 24, 1992)

SELECTED PRESENTATIONS

- "Sports Gambling and Christie II," Marquette Law School (October 2017)
- "Faculty Matters: Working Effectively With Our Once and Future Colleagues," American Bar Association Deans Workshop (Washington, D.C., June 2017)
- "Sports Betting Deregulated," American Association of Law Schools (San Francisco, January 2017)
- "The Special Exemption for Fantasy Sports," International Conference on Gambling (Las Vegas, June 2016)
- "The Legality of Fantasy Sports," International Masters of Gaming Law (San Francisco, April 2016)
- "The New Labor Market in Collegiate Sports," at *The NCAA In Crisis: The Crossroads of Intercollegiate Sports*, University of Oregon School of Law (April 2014)
- "Human Capital Lending and the Disappearance of the African-American Baseball Player," Lewis and Clark Law School (October 2013)
- Northern Kentucky Inn of Court (September 2013)
- "Gambling and Corruption in Sports," University of Virginia School of Law (March 2013)
- "Foot Faults in Crunch Time: Temporal Variance in Sports Penalties and Antitrust Law," at *The New Normal in College Sports: Realigned and Reckoning*, Pepperdine University

School of Law (April 2013)

- “The Impact of Concussion Lawsuits on the Future of Football,” University of Mississippi School of Law (November, 2012)
- “Where Does a Bet Take Place?: Intractable Choice of Law Problems in Gaming Law,” University of Texas School of Law (September 2012)
- “Public Financing of Sports Stadiums,” Huffington Post Live (September, 2012)
- “Card Counting As Cheating,” International Masters of Gaming Law (Scottsdale, Arizona, April 2012)
- “The Economics of Sports Experts as Trial Witnesses,” Western Economics Association (San Francisco, June 2012)
- “An Economic Analysis of the Benefits of Gaming,” (London, England, September 2012)
- “Gaming Law vs. Gambling Law,” Southeastern Association of Law Schools (South Carolina, July 2011)
- The Online Poker Crackdown: On Point With Tom Ashbrook, National Public Radio, May 20, 2011
- Behind the Bets, ESPN.com podcast, April 2011
- Behind the Bets, ESPN.com podcast, November 2010
- Supreme Court Preview: American Needle v. NFL, March 2010 podcast, American Bar Association
- Supreme Court Preview: Aftermath of American Needle v. NFL, June 2010 podcast, American Bar Association
- The Aftermath of American Needle, Federalist Society podcast, June 2010
- Emerging Issues in Sports Law, West Publications podcast, March 2010
- American Needle v. NFL, Federalist Society podcast, March 2010
- Major League Soccer’s Labor Issues, MLS Talk podcast, February 2010
- The Nature of the Sports Firm, American Association of Law Schools Annual Meeting (January 2010, New Orleans)
- Peer Effects in Student Achievement, American Law and Economics Association annual meeting (San Diego, May 2009)
- The Influence of Gambling in Sports, Fordham Law School, April 2009
- Pete Rose and Baseball’s Rule 21, Annual Conference of Baseball Historians (Tucson, Arizona, March 2009)
- The Law of Sports Leagues, University of Oregon (January 2009)
- Public Funding For Private Sports Stadia, Villanova Law School (October 2008)
- Performance-Enhancing Drugs and the Regulation of the Athlete’s Body, Willamette Law School (March 2008)
- Owners, Brokers, Scalpers and Gamblers: The Theory of the Sports Firm, Villanova Law School (February 2008)
- Market Failures in Professional Sports, Marquette Law School (September 2007)
- The Beauty of Bets, Duke Law School (November 2006)

same, Willamette University Law School (March 2006)

- The USA Patriot Act, American Civil Liberties Union Conference, November 2003)
- Theorizing Class Interests in Professional Regulation, (Conference on Intersections Between Law and Public Policy, Cornell Law School, November 2002)
- Some Conceptual Problems with Money Laundering, (Conference on International Criminal Justice, Steamboat Springs, Colorado, February 2002)
- Apprendi Apprendum: The Rise and Fall of the Federal Sentencing Guidelines, (Symposium titled “Legal Issues and Sociological Consequences of the Federal Sentencing Guidelines,” University of Iowa, June 2001)
- Professionalism After In Re Gatti, (Skamania, Washington, July 2001)
- Participant in Televised Debate on Ballot Measure 94, sponsored by the Oregon State Bar, November 2000
- Private Remedies for Public Purposes, conference titled *Public Sanctions, Private Liability*, Willamette University College of Law, February 2000
- The Exclusionary Rule and Damages, presented to University of San Diego law faculty, Spring 1999
- The Privatization of Federal Criminal Law and Its Aftermath, conference titled *Toward a New Federal Criminal Code*, SUNY-Buffalo School of Law, November 1997
- What Professionalism Might Mean: Loose Canons in Professional Responsibility, conference titled *Movements in Legal Ethics*, Lewis and Clark School of Law, November 1997
- How Honest Must Lawyers Be?, Willamette University Tax Conference, June 1997
- Moral Limits on Lawyers, Baccalaureate Address to the Class of 1996, Willamette University College of Law, May 1996
- The Utilitarian Foundation of the Lawyer’s Function, Conference on Professional Ethics, Willamette University College of Law, March 1996
- Should Washington, D.C. Become a State?, American Bar Association Annual Meeting, Presidential Showcase Program, August 1995
- Can the Wealthy Buy Justice?, Guest on Town Hall, KABU TV, Portland, April 1995
- The Ethical Law Student, Willamette University College of Law, March 1995
- The Particular Call of the Christian Lawyer, Christian Legal Society meeting, Portland, Oregon, January 1995
- The Simpson Case: Criminal Conviction by the Odds, Seattle, Washington, October 1994
- The Troubling Constitutional Case of the Packwood Diaries, Willamette Tuesday Series, February 1994
- Ambition and the Christian Lawyer, Christian Legal Society, Lewis and Clark School of Law, January 1994
- Attorney and Accountant Liability in the Formation of Businesses, Willamette University Tax Conference, June 1993
- Are There Too Many Lawyers?, Lions Club International, October 1992

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- Prolegomenon to Corporate Punishment, conference titled *Conference on Corporate Sentencing*, Cato Institute, Washington, D.C., October 1991

MEDIA INTERVIEWS AND PRESS QUOTATIONS

Frequently interviewed by print, electronic and radio media on sports law and gaming law issues, including The New York Times, The Wall Street Journal, Slate, The Atlantic Magazine, Time Magazine, Forbes Magazine, Sports Illustrated, ESPN, CNN, Fox, ABA Journal, XM Satellite Radio, Sirius Radio Networks, National Public Radio, Scotland on Sunday, Indianapolis Star, Baltimore Sun, The Oregonian, San Francisco Chronicle, Associated Press, The Washington Times, The Washington Post, BBC; frequent legal commentator on television channels KATU, Portland, Oregon; KGBW, Portland, Oregon, WLWC, Cincinnati. Interview guest on Fox News Network, CNN, MSNBC.

PUBLIC SERVICE

Author, All Substantive Briefs (Motions, Appeals, Petitions):

- Sandmann v. New York Times (Eastern District Kentucky; U.S. Court of Appeals for the Sixth Circuit; Supreme Court of the United States)
- Page v. Oath, Inc., (Superior Court of Delaware; Supreme Court of Delaware; Supreme Court of the United States)
- Owens v. Lead Stories, LLC and Gannett Satellite Information Network, LLC (Superior Court of Delaware; Supreme Court of Delaware; Supreme Court of the United States)
- Johnson v. University Hospitals of Cleveland and Kathy Griffin (Middle District Tennessee; U.S. Court of Appeals for the Sixth Circuit)
- Richey v. Showtime Networks, Inc. (District Court Delaware)

International Advisor, The Philippines Court of the Sandiganbayan
USAID Consultant Lecturer
Cincinnati Bar Association Board of Trustees
Kentucky Bar Foundation Board of Directors

MEMBERSHIPS

Sports Lawyers Association;; International Masters of Gaming Law; American Law and Economics Association; Oregon State Bar; Virginia State Bar; American Bar Association