

JAMES ANDERS WOOTEN
Curriculum Vita

Office:

School of Law
State University of New York at Buffalo
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Education:

Ph.D., Yale University, Program in American Studies, 2003
M.A., Yale University, Program in American Studies, 1993
M. Phil., Yale University, Program in American Studies, 1993
J.D., Yale Law School, 1989
B.A., Rice University, *cum laude*, 1981

Bar Membership:

Pennsylvania 1992 (inactive)

Employment:

2004-present Professor, SUNY Buffalo Law School
2009-2011 Law Library Director and Vice Dean for Legal Information
Services, SUNY Buffalo Law School
Spring 2006 Adjunct Professor, Cardozo Law School and NYU Law School
2003-04 Associate Professor, SUNY Buffalo Law School
2001-03 Clinical Associate Professor, SUNY Buffalo Law School
1999-2001 Associate Professor, SUNY Buffalo Law School
1995-99 Visiting Associate Professor, SUNY Buffalo Law School
1992-93 Associate, Bredhoff & Kaiser, Washington, D.C.
1991-92 Law Clerk, Bredhoff & Kaiser, Washington, D.C.
1990-91 Law Clerk, Brenner, Saltzman & Wallman, New Haven, CT
1989-90 Judicial Clerk, Hon. William Wayne Justice, U.S. District Court,
Eastern District of Texas

SCHOLARSHIP

Book

The Employee Retirement Income Security Act of 1974: A Political History.
Berkeley: University of California Press/Milbank Memorial Fund/Employee
Benefit Research Institute, 2004. (Published in Japanese translation under the
supervision of Mizuho Pension Research Institute, Ltd. (Chuokezai-Sha, Inc.
2009))

Dissertation

Regulating the “Unseen Revolution”: A Political History of the Employee Retirement Income Security Act of 1974. Yale University, Program in American Studies, May 2003

Articles

- “The Venue Shuffle: Forum Selection Clauses and ERISA,” 66 *UCLA Law Review* (forthcoming May 2019) (with Christine P. Bartholomew)
- “A Legislative and Political History of ERISA Preemption – Part 4: The Deemer Clause,” 22 *Journal of Pension Benefits* 3 (Autumn 2014)
- “A Reflection on ERISA Claims Administration and the Exhaustion Requirement,” 6 *Drexel Law Review* 573 (Spring 2014)
- “A Legislative and Political History of ERISA Preemption, Part 3,” 15 *Journal of Pension Benefits* 15 (Spring 2008)
- “A Legislative and Political History of ERISA Preemption, Part 2,” 14 *Journal of Pension Benefits* 5 (Spring 2007)
- “A Legislative and Political History of ERISA Preemption, Part 1,” 14 *Journal of Pension Benefits* 31 (Autumn 2006)
- “The Most Glorious Story of Failure in the Business”: The Studebaker-Packard Corporation and the Origins of ERISA, 49 *Buffalo Law Review* 683 (2001) (reprinted in *New York University Review of Employee Benefits and Executive Compensation: 2002*, 12-1)
- “Public Policy and Private Pension Programs”: A Political History of the President’s Committee on Corporate Pension Funds, *New York University Fifty-Ninth Annual Institute on Federal Taxation: Employee Benefits and Executive Compensation* (2001), 11-1
- The “Original Intent” of the Federal Tax Treatment of Private Pension Plans, 85 *Tax Notes* 1305 (1999)(reprinted in *New York University Fifty-Eighth Annual Institute on Federal Taxation: Employee Benefits and Executive Compensation* (2000))
- “Law School Rights”: The Establishment of New York Law School, 1891-1897, 36 *New York Law School Law Review* 337 (1991)
- “The Emergence of Nonprofit Legal Education in New York: A Case Study of the Economic Theory of Nonprofit Organizations,” Program on Non-Profit Organizations, Yale University, Working Paper No. 154, 1990

Reports

- “Who Should Own a Pension Surplus – Employer or Employees? An Assessment of Arguments about Asymmetry of Risks and Rewards and Deferred Wages in Pension Plans,” Study Prepared for the Ontario Expert Commission on Pensions (2008)

Encyclopedia Entries

- The Employee Retirement Income Security Act of 1974, in *Major Acts of Congress* (Brian K. Landsberg, ed., MacMillan, 2004)
- Law Schools and James C. Carter, in *Encyclopedia of New York City* (Kenneth T.

Jackson ed., Yale University Press, 1995)

Conferences Organized

ERISA at 40: What Were They Thinking? An Oral History of the Employee Retirement Income Security Act of 1975 (co-organized with Prof. Norman Stein), Drexel University School of Law, October 25, 2013, Philadelphia, PA

Conference Presentations

- “The Venue Shuffle: Enforceability of Forum Selection Clauses under ERISA” (with Christine P. Bartholomew). Faculty Workshop at University of Akron School of Law, May 12, 2019, Akron, OH
- “Enforcement of Forum-Selection Clauses under ERISA” (co-authored with Christine Bartholomew). Seventh Annual Employee Benefits & Social Insurance Conference, April 13, 2018, Norman, OK
- “An Anatomy of Claims Administration,” conference on Regulation of Employee Benefit Plans, Stephen M. Ross School of Business, University of Michigan, March 22, 2013, Ann Arbor, MI
- “A Legislative and Political History of ERISA Preemption,” John Marshall Law School Distinguished Lecture Series in Employee Benefits Law, March 23, 2009, Chicago, IL
- “A Legislative and Political History of ERISA Preemption,” conference on The Grand Irony of ERISA?: Intersectionality of ERISA Preemption and Remedial Issues, sponsored by Hofstra Labor and Employment Law Journal, March 13, 2009, New York, NY
- “Competing Conceptions of Risk and Liability in the Governance of Private Pension Plans,” presentation at Regional Sociolegal Studies Conference, Toronto, ON, May 8, 2008
- “Tracking History in the Making: The Research Value of Political Papers,” The Louis Faugères Bishop Lecture, Rutgers University Library, New Brunswick, NJ, April 8, 2008
- “Equitable Distribution of Pension Benefits in New York,” presentation for continuing legal education class sponsored by Bar Association of Erie County, March 29, 2008
- “A Historical Perspective on the Pension Benefit Guaranty Corporation,” presentation to the Executive Retreat of the Pension Benefit Guaranty Corporation, Warrenton, VA, December 12, 2007
- “A Historical Perspective on the Pension Funding ‘Crisis,’” presentation at the U.S. Government Accountability Office, Washington, DC, September 19, 2006
- “A Historical Perspective on Pension Policy in the United States,” presentation to the Japanese Society of Certified Pension Actuaries, Tokyo, Japan, August 28, 2006
- “Recent Pension Legislation in the United States,” presentation to the annual meeting of the Japanese Pension Research Council, Tokyo, Japan, August 25, 2006
- Presentation to U.S. Pension Study Group, Japanese External Trade Organization,

New York, NY, February 8, 2006

- “A Historical Perspective on the ‘Crisis’ of Private Pensions,” Industrial Relations Research Association, 57th Annual Convention, Philadelphia, PA, January 7, 2005, and Twenty-Second Annual Carl A. Warns, Jr. Labor and Employment Law Institute, Louisville, KY, June 16, 2005
- “What Labor Law Can Learn from Tax Law,” Labor Law Group, Millcroft Inn, Alton, Ontario, June 13, 2003
- “Making Policy under Uncertainty: Using Game Theory to Understand Patterns in the History of Regulatory Policy-Making,” Policy History Conference, May 31, 2002, Clayton, MO, and Law and Society Association, Annual Meeting, Chicago, IL, May 29, 1999
- “Policy-Making for Private Pensions: The Genesis and Structure of a Policy Domain,” Insurance and Society Group, University of Connecticut Insurance Law Center, Boston, MA, June 5, 2001
- “A Historical Perspective on the Employee Retirement Income Security Act of 1974,” Plenary Session of Annual Meeting of the American Risk and Insurance Association, Vancouver, BC, August 9, 1999
- “Why Does ERISA § 514 Say What It Says?” Mini-Program on Managed Care, Annual Meeting of the American Bar Association, Atlanta, GA, August 7, 1999
- “Making Policy under Uncertainty: Pension Reform in the Executive Branch, 1965-1968,” Social Science History Association, Annual Meeting, Chicago, IL, November 19, 1998
- “Tax Policy as Retirement Income Policy: The Federal Tax Treatment of Private Pension Plans, 1913-1943,” Legal History Colloquium, New York University School of Law, November 5, 1997, and Social Science History Association Annual Meeting, Washington, DC, October 17, 1997
- “Regulating the ‘Unseen Revolution’: Ideology, Interest, and Strategy in Pension Policy-Making,” Legal History Colloquium, New York University School of Law, October 23, 1996, and Social Science History Association, Annual Meeting, New Orleans, LA, October 13, 1996
- “Part of the Big Picture, or Some Political Sources of Pension Reform,” Legal History Colloquium, New York University School of Law, April 28, 1995
- “*Public Policy and Private Pension Programs: Federal Agencies, Private Interests, and Pension Policy-Making in the Kennedy and Johnson Administrations*,” Legal History Colloquium, New York University School of Law, March 1, 1995
- “‘The Infamous Studebaker Case’: The Studebaker-Packard Corporation, the United Auto Workers, and the Origins of ERISA,” Legal History Colloquium, New York University School of Law, November 16, 1994

Conference Participation

- Recoupment Roundtable, organized by Pension Rights Center, moderator of panel on hardship waivers, November 7, 2017, Washington, D.C.
- Litigators’ Roundtable, organized by Pension Rights Center, October 16, 2016, Washington, D.C.
- Employee Benefits and the Department of the Treasury: A Brief History of The

Office of Benefits Tax Counsel, sponsored by American College of Employee Benefits Counsel, moderator, Monday, August 22, 2016, Washington, D.C.
Securing the Future, 40th Anniversary Forum of the Pension Benefit Guaranty Corporation, U.S. Chamber of Commerce, moderator of panel on history of PBGC, January 12, 2015, Washington, D.C.
Enforcement of ERISA Rights and Responsibilities Conference, conference organized by Pension Rights Center, moderator of two panels on “A 40-year perspective from ERISA’s drafters,” October 24, 2014, Washington, D.C.

Honors, Fellowships, and Grants

Recognized for Dedication to the *Buffalo Law Review*, 16th Annual Buffalo Law Review Dinner, April 21, 2005
Faculty Award for Outstanding Service and Dedication from Class of 2003, May 10, 2003
Young Investigator Award for Outstanding Achievements in Scholarly Activity, University at Buffalo, May 5, 2003
\$15,000 Grant from the TIAA-CREF Institute for work on “Regulating the ‘Unseen Revolution’: A Political History of the Employee Retirement Income Security Act of 1974,” Fall 2000
Recognized for Outstanding Contributions to the *Buffalo Law Review*, 11th Annual Buffalo Law Review Dinner, April 6, 2000
Samuel I. Golieb Fellow in Legal History, New York University School of Law, 1994-95
Research Grant, Olin Summer Fellowship Program, Yale Law School, 1994
Law and History Fellow, Yale Law School, 1993-1994
John D. Rockefeller III Summer Research Fellow, Program on Non-Profit Organizations, Yale University, 1989
Garner Fellowship, Yale University, Program in American Studies, 1986-1989
Nathan Mag Scholar, Yale Law School, 1986-1987
Research Fellowship, Olin Summer Fellowship Program, Yale Law School, 1986
John M. Olin Fellow in Law, Economics, and Public Policy, Yale Law School, 1985-1986
Special Humanities Fellowship, University of Chicago, 1981-83

TEACHING

Current

Contracts; Pension and Employee Benefit Law; Topics in Jurisprudence; Legal Reasoning (undergraduate)

Past

Health Law; Bankruptcy; Federal Income Taxation; Federal Tax Policy; Topics in Tax; A Historical Perspective on the Administrative State in the United States; A Historical Perspective on Health-Care Policy in the United States; Regulatory Law; Law and Economics; How Will America Pay for Its Retirement?; Federal Employee Benefit Law and Policy; Legislative Policy-Making

MEMBERSHIPS

Fellow, American College of Employee Benefits Counsel
Fellow, Employee Benefit Research Institute
Member, National Academy of Social Insurance

SERVICE

University Committees

Member, Baldy Advisory Committee, 2010-12
Member, University at Buffalo School of Law Dean Search Committee, 2016-17

Law Faculty Committees and Service

Chair, Appointments Committee, 2011-12, 2013-14
Chair, Bylaws Committee, 2007-09
Chair, Law Review Committee, 1999-2009
Chair, Library Committee, 2009-11
Chair, Mitchell Lecture Committee, 2004-05, 2015-16
Chair, Pedagogy and Curricular Planning Committee, 2017-19
Chair, Rules Committee, 2018-19
Member, Academic Policy and Programs Committee, 2009-11
Member, Academic Standards and Standing Committee, 1995-2005, 2012-13
Member, Ad Hoc Committee on Academic Integrity, 2009-2012
Member, Ad Hoc Faculty Development Committee, 1997-2005, 2006-07
Member, Admissions Committee, 2006-07, 2008-09
Member, Appointments Committee, 2002-04, 2009-12, 2013-14
Member, Baldy Advisory Committee, 2006-07, 2009-2012
Member, Committee on Committees, 2002-04, 2007-08
Member, Mitchell Lecture Committee, 2003-04, 2007-08, 2013-14, 2016-17
Member, Adjunct Development Committee, 2015-16
Member, Law School Self-Study Committee for ABA Reaccreditation, 2015-16
Member, Committee on Visiting Committees, 2015-18
Member, Pedagogy and Curricular Planning Committee, 2016-17
Faculty Advisor, UB Law Employee Benefits Moot Court Team, 2017-2019

Professional Service

Member, Long-Range Planning Committee, American College of Employee Benefits Counsel, 2015-19
Member, Oral History Project Committee, American College of Employee Benefits Counsel, 2015-19
Member, Moot Court Committee, American College of Employee Benefits Counsel, 2018