**James Ming Chen**

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**Experience**

2007-  **University of Louisville** Louisville, Kentucky

 Dean and Professor of Law, 2007-12

 On leave, 2012-13

Doubled average annual philanthropy to $1.5 million

Raised a record $3.5 million in fiscal year 2010-11

Presided over the founding of the University of Louisville Law Clinic

1993–2007 **University of Minnesota** Minneapolis, Minnesota

 Associate Dean, 2004-07

 James L. Krusemark Professor of Law, 2001-07

*Subjects taught:* administrative law, agricultural law, constitutional law, criminal law, environmental law, food and drug law, industrial policy, legislation and statutory interpretation, natural resources law, regulated industries.

*Foreign teaching appointments:* Slovenská Pol’nohospodárska Univerzita, Nitra, Slovakia, 2000; Heinrich-Heine-Universität, Düsseldorf, Germany (1999); Université de Nantes, France (1995).

1992-93 **Justice Clarence Thomas** Washington, D.C.

 Supreme Court of the United States

 Law Clerk

1991-92 **Judge J. Michael Luttig** McLean, Virginia

 United States Court of Appeals for the Fourth Circuit

 Law Clerk

**Education**

1988-91 **Harvard Law School** Cambridge, Massachusetts

 Juris Doctor, *magna cum laude*

 *Harvard Law Review*, Executive Editor

1987-88 **University of Iceland** Reykjavík, Iceland

 Fulbright Scholar

1983-87 **Emory University** Atlanta, Georgia

 Bachelor of Arts, *summa cum laude*

 Master of Arts

 Phi Beta Kappa (elected 1985)

**Professional Affiliations**

District of Columbia Bar Association (admitted 1992, currently active)

Virginia State Bar (admitted 1991, currently inactive)

Administrative Conference of the United States (public member, elected 2010)

American Law Institute (elected 2006)

**Publications**

I have published more than 100 scholarly works. *See* http://www.jurisdynamics.net/files/documents/JimChenCV.doc. Many courts, including the Supreme Court of the United States, have cited my work. Comprehensive analysis of my impact on courts and the academy is available at http://www.jimchen.org.

**Selected Private Sector Activities**

*1. Antitrust litigation on behalf of C Spire Wireless against AT&T and other entities:*

I have provided extensive assistance to C Spire Wireless in antitrust litigation. C Spire’s suit under section 7 of the Clayton Act to block the merger of AT&T and T-Mobile USA, Inc., survived AT&T’s motion to dismiss. I articulated and designed the legal theory that enabled C Spire to assert a section 7 violation without alleging predatory pricing. Cellular South, Inc. v. AT&T Inc., 821 F. Supp. 2d 308 (D.D.C. 2011) (Civil Action No. 11-1690).

I have worked extensively on a larger antitrust case in which C Spire alleges that AT&T and other actors have blocked smaller carriers’ efforts to deploy 4G-LTE wireless technology. Corr Wireless Communications, L.L.C. v. AT&T, Inc., Civil Action No. 3:12-CV-00036-SA-SAA (N.D. Miss. filed April 2, 2012).

*2. ERISA preemption of state anti-subrogation laws*

I have provided advice on the effect of the Employee Retirement Income Security Act on state laws purporting to restrict the ability of employer-funded medical benefits plan to assert tort claims against a defendant responsible for personal injury to an employee participating in that plan.

*3. Travelers’ check and stored value card litigation*

Kentucky and New Jersey attempted to shorten the period for escheat of travelers’ checks and stored value cards. I helped American Express craft its constitutional and statutory defenses. American Express Travel Related Services, Inc. v. Sidamon-Eristoff, 669 F.3d 359 (3d Cir. 2012); New Jersey Retail Merchants Ass’n v. Sidamon-Eristoff, 669 F.3d 374 (3d Cir. 2012); American Express Travel Related Services Co. v. Kentucky, 641 F.3d 685 (6th Cir. 2011).

*4. Handset exclusivity arrangements*

I filed testimony on behalf of Cellular South, urging the FCC to ban exclusivity arrangements for mobile device. *In re* Rural Cellular Ass’n, Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, RM-11497 (FCC 2009).

*5. Alaska “creamskimming” controversy*

“Creamskimming” often arises in eligible telecommunications carrier proceedings under 47 U.S.C. § 214(e). *In* re GCI Communication Corp. d/b/a General Communication, Inc., GCI and Mukluk Telephone Co., Inc., Docket U-08-006(9) (Regulatory Comm’n of Alaska 2008); *In re* Consideration of Regulations Governing the Designation of Eligible Telecommunications Carriers, Docket No. R-06-3, Order No. 6 (Regulatory Comm’n of Alaska 2008). I urged the Regulatory Commission of Alaska to adopt a competitively neutral approach that would enable incumbent and competitive carriers to contest telecommunications markets on equal footing.

*6. Mesaba Energy: An innovative energy project in Minnesota*

I have urged the Minnesota Public Utilities Commission to approve an agreement by Xcel Energy to purchase electricity generated by the Mesaba Energy Project under the authority of Minnesota’s clean energy technology and innovative energy project statutes, Minn. Stat. §§ 216B.1693-.1694.  *In re* Excelsior Energy Inc., LLC, MPUC Docket No. E-6472-/M-05-1993 (Minn. Pub. Utils. Comm’n 2006).

*7. Eligible telecommunications carrier petitions under 47 U.S.C. § 214(e):*

I have testified before numerous state public utility commissions in support of competitive wireless carriers seeking eligible telecommunications carrier designation under 47 U.S.C. § 214(e). All of these petitions were successful.[[1]](#footnote-1)

*8. Prevailing wage legislation*

I advised opponents of a prevailing wage statute on ways to invalidate that law, particularly Minnesota’s single-subject rule. AssociatedBuilders & Contractors v. Carlson, Court File No. 62-C6-97-011248 (Minn. Dist. Ct., 2d Judic. Dist. 1998).

1. . RCC Minnesota, Inc., Petition for Designation as an Eligible Telecommunications Carrier, Case No. UM 1083 (Or. Pub. Util. Comm’n, June 24, 2004), http://apps.puc.state.or.us/orders/2004ords/04-355.pdf; United States Cellular Corp., Cause No. PUD 200300195 (Okla. Corp. Comm’n 2003); Alaska DigiTel, LLC, Docket No. U-02-39 (Reg. Comm’n of Alaska 2003); Federal-State Joint Bd. on Universal Service, CC Docket No. 96-45 (FCC 2003); RCC Minnesota, Inc. & Wireless Alliance, LLC, Petition for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(2), Docket No. PT6182,6181/M-02-1503 (Minn. Pub. Utils. Comm’n 2003); Midwest Wireless Communications, LLC, OAH Docket No. 3-2500-14980-2, PUC Docket No. PT6153/AM-02-686 (Minn. Pub. Utils. Comm’n 2002). [↑](#footnote-ref-1)