

KEVIN BENNARDO

University of North Carolina School of Law
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ACADEMIC APPOINTMENTS

- UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW** Chapel Hill, North Carolina
Clinical Associate Professor of Law 2016 to present
Courses: Research, Reasoning, Writing, and Advocacy I & II
- INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW** Indianapolis, Indiana
Visiting Associate Clinical Professor of Law 2014 to 2016
Courses: Legal Analysis, Research, and Communication I & II
Trusts and Estates
- LOUISIANA STATE UNIVERSITY PAUL M. HEBERT LAW CENTER** Baton Rouge, Louisiana
Teaching Fellow and Assistant Professor of Professional Practice 2012 to 2014
Courses: Legal Research and Writing I & II
Criminal Sentencing
- UNIVERSITY OF RICHMOND SCHOOL OF LAW** Richmond, Virginia
Adjunct Assistant Professor of Law 2011 to 2012
Courses: Lawyering Skills I & II

JUDICIAL APPOINTMENT

- SUPREME COURT OF THE REPUBLIC OF PALAU**
Non-Resident Associate Justice, Appellate Division
- Appointed by President Tommy E. Remengesau, Jr., on January 26, 2017, and sworn in on July 3, 2017, at the Judiciary Complex in Ngerulmud, Melekeok
 - Assigned to hear appeals on the country's court of last resort on an as-needed basis

PROFESSIONAL AWARDS AND GRANTS

- Recipient, LWI/ALWD/Lexis Scholarship Grant, 2016
- Recipient, Red Cane Award (Most Outstanding Professor with Three or Fewer Years of Experience at the Indiana University McKinney School of Law), 2015-2016

PRIOR PROFESSIONAL EXPERIENCE

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT Staff Attorney, Office of Staff Counsel	Richmond, Virginia 2010 to 2012
SUPREME COURT OF THE REPUBLIC OF PALAU Court Counsel, Office of Court Counsel	Koror, Palau 2009 to 2010
SIDLEY AUSTIN LLP Associate, Intellectual Property Litigation	Chicago, Illinois 2008 to 2009
U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS Law Clerk for the Honorable Milton I. Shadur	Chicago, Illinois 2007 to 2008
U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT Extern for the Honorable Jeffrey S. Sutton	Columbus, Ohio Autumn 2006
FEDERAL COMMUNICATIONS COMMISSION Intern, Media Bureau, Policy Division	Washington, D.C. Summer 2005

EDUCATION

THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW, Columbus, Ohio
Juris Doctor, *summa cum laude*, Order of the Coif, May 2007
Class Rank: 2 of 233

SELECTED ACTIVITIES:

OHIO STATE JOURNAL OF CRIMINAL LAW, Executive Editor
Moot Court Governing Board, Herman Competition Justice

INSTITUTIONAL AWARDS:

Michael E. Moritz Merit Scholar
Joshua Dressler Excellence in Criminal Law Award
John E. Hallen Excellence in Torts Award
CALI Awards for Excellence in Civil Procedure, Torts, Criminal Law, Evidence,
Criminal Procedure I, Civil Procedure II, Criminal Law Defenses Seminar,
Advanced Legal Research, Civil Rights & Remedies, and Commercial Law

NATIONAL & REGIONAL COMPETITIONS:

American Bar Association Forum on Communications Law Scholarship, Winner
Grammy Foundation Entertainment Law Initiative Writing Contest, Runner-up
State Bar of Michigan Environmental Law Essay Contest, Third Place

MIAMI UNIVERSITY, Oxford, Ohio

Bachelor of Arts, *magna cum laude*, December 2003
Majors in Political Science and Mass Communications, Minor in History

PUBLICATIONS

<http://ssrn.com/author=1686591>

Book

WRITING AND THINKING ABOUT LAW (Carolina Academic Press forthcoming 2021)

Book Chapter

Sentencing, in THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE 697
(Peter M. Koelling ed., 8th ed. 2016) (with Todd Haugh)

Articles in Law Reviews

The Location of Holographic Wills,
97 NORTH CAROLINA LAW REVIEW 1625 (2019) (with Mark Glover)

The Madness of Insane Delusions,
60 ARIZONA LAW REVIEW 601 (2018)

The Third Precedent,
25 GEORGE MASON LAW REVIEW 148 (2017)

Rethinking Victim-Based Statutory Sentencing Enhancements,
44 FLORIDA STATE UNIVERSITY LAW REVIEW 1 (2016)

Restitution and the Excessive Fines Clause,
77 LOUISIANA LAW REVIEW 21 (2016) (invited symposium article)

Incarceration's Incapacitative Shortcomings,
54 SANTA CLARA LAW REVIEW 1 (2014)

*A Quantity-Driven Solution to Aggregate Grouping Under the U.S. Sentencing
Guidelines Manual*,
40 FLORIDA STATE UNIVERSITY LAW REVIEW 791 (2013)

Decoupling Federal Offense Guidelines from Statutory Limits on Sentencing,
78 MISSOURI LAW REVIEW 683 (2013)

A Frank Look at Appellate Waiver in the Seventh Circuit,
36 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 531 (2012)

*At-Issue Waiver of the Attorney-Client Privilege in Illinois: An Exception in Need of a
Standard*,
30 NORTHERN ILLINOIS UNIVERSITY LAW REVIEW 553 (2010)

Articles in Law Reviews (continued)

Of Ordinariness and Excuse: Heat-of-Passion and the Seven Deadly Sins,
36 CAPITAL UNIVERSITY LAW REVIEW 675 (2008)

The Tort of Aiding and Advising?: The Attorney Exception to Aiding and Abetting a Breach of Fiduciary Duty,
84 NORTH DAKOTA LAW REVIEW 85 (2008)

Articles in Subject-Matter Specialty Journals

The Fantasy of the Unchaste Mentality: North Carolina's Illusory Exception to the Rape-Shield Rule,
45 N.Y.U. JOURNAL OF LAW & SOCIAL CHANGE (forthcoming 2021)
(with Tara N. Summerville)

Citation Stickiness,
20 JOURNAL OF APPELLATE PRACTICE & PROCESS 61 (2019) (faculty edited)
(with Alexa Z. Chew)

Abandoning Predictions,
16 LEGAL COMMUNICATION & RHETORIC 39 (2019) (peer reviewed)

Post-Sentencing Appellate Waivers,
48 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 347 (2015)

Dear Congress: Remove the "Committed an Offense" Requirement from 18 U.S.C. § 3553(e),
29 FEDERAL SENTENCING REPORTER 93 (2017)

Slaying Contingent Beneficiaries,
24 UNIVERSITY OF MIAMI BUSINESS LAW REVIEW 31 (2015)

A Perspective on the Proposed Amendments to the Drug Distribution Guideline,
26 FEDERAL SENTENCING REPORTER 252 (2014) (invited)

The Rights and Liberties of the Palau Constitution,
12 ASIAN-PACIFIC LAW & POLICY JOURNAL 1 (2011)

A Defense Bar: The "Proof of Innocence" Requirement in Criminal Malpractice Claims,
5 OHIO STATE JOURNAL OF CRIMINAL LAW 341 (2007) (student note)

Don't Shoot the Speaker: Why Forfeiture Liability for Indecency Violations over Broadcast Media Cannot be Expanded to Cover the Speaker,
8 VANDERBILT JOURNAL OF ENTERTAINMENT & TECHNOLOGY LAW 515 (2006)

Articles in Online Supplements

Legal Writing's Harmful Psyche,
105 MINNESOTA LAW REVIEW HEADNOTES (forthcoming 2020)

Testing the Geographical Proximity Hypothesis: An Empirical Study of Citations to Nonbinding Precedents by Indiana Appellate Courts,
90 NOTRE DAME LAW REVIEW ONLINE 125 (2015)

United States v. Erwin and the Folly of Intertwined Cooperation and Plea Agreements,
72 WASHINGTON AND LEE LAW REVIEW ONLINE 160 (2014)

Sweeping Up Guideline Floors: The Misguided Policy of Amendment 767 to the U.S. Sentencing Guidelines Manual,
60 UCLA LAW REVIEW DISCOURSE 60 (2013)

PRESENTATIONS

Academic Presentations

Maximizing Scarce Precedent

Global Legal Skills Conference, December 2019

Arizona State University Sandra Day O'Connor College of Law, Phoenix, Arizona

Communicating Analytical Conclusions (with Joe Fore)

Association of Legal Writing Directors Biennial Conference, May 2019

Suffolk University Law School, Boston, Massachusetts

Citation Stickiness (with Alexa Z. Chew)

Legal Writing Institute One-Day Workshop, December 2018

Northeastern University School of Law, Boston, Massachusetts

Citation Stickiness (with Alexa Z. Chew)

Legal Writing Institute Biennial Conference, July 2018

Marquette University Law School, Milwaukee, Wisconsin

Welcome to the Jumble (with Alexa Z. Chew)

Southeastern Regional Legal Writing Conference, April 2018

Georgia State University College of Law, Atlanta, Georgia

Persuasion: What to Teach and How? (panel organizer and panel anchor)

Carolinas Colloquium, May 2017

University of North Carolina School of Law, Chapel Hill, North Carolina

The Third Precedent

American Association of Law Schools Annual Meeting, January 2017

AALS Section on Legal Writing, Reasoning and Research New Scholars Showcase

San Francisco, California

Restitution and the Excessive Fines Clause

Louisiana Law Review Sentencing Symposium, January 2016

Louisiana State University Paul M. Hebert Law Center, Baton Rouge, Louisiana

Teaching Uniform Acts

Legal Writing Institute One-Day Workshop, December 2015

The Ohio State University Moritz College of Law, Columbus, Ohio

The Third Precedent

Central States Legal Writing Conference, September 2015

Saint Louis University School of Law, St. Louis, Missouri

Academic Presentations (continued)

Measuring the Persuasive Value of Non-Binding Precedents through Empirical Methods
Capital Area Legal Writing Conference, March 2015
William & Mary Law School, Williamsburg, Virginia

Measuring the Persuasive Value of Non-Binding Precedents through Empirical Methods
Legal Writing Institute One-Day Workshop, December 2014
Southern Illinois University School of Law, Carbondale, Illinois

Post-Sentencing Appellate Waivers
Faculty Colloquium, November 2014
Indiana University McKinney School of Law, Indianapolis, Indiana

Post-Sentencing Appellate Waivers
Teaching Fellows Workshop, September 2013
Louisiana State University Paul M. Hebert Law Center, Baton Rouge, Louisiana

A Quantity-Driven Solution to Aggregate Grouping Under the U.S. Sentencing Guidelines Manual
Teaching Fellows Workshop, March 2013
Louisiana State University Paul M. Hebert Law Center, Baton Rouge, Louisiana

A Quantity-Driven Solution to Aggregate Grouping Under the U.S. Sentencing Guidelines Manual
ABA Criminal Justice Section & AALS Section on Criminal Justice Joint Legal Educators Colloquium
Round Table Workshop, October 2012
Washington, D.C.

A Quantity-Driven Solution to Aggregate Grouping Under the U.S. Sentencing Guidelines Manual
Southeastern Law Scholars Conference, September 2012
Charleston School of Law, Charleston, South Carolina

Podcast and Webinar Appearances

Citation Stickiness (with Alexa Z. Chew)
Ipse Dixit podcast, Episode 332, July 2019
<https://shows.pippa.io/ipse-dixit/episodes/alexa-chew-kevin-bennardo-on-citation-stickiness>

Facilitating Testamentary Freedom (with Mark Glover)
Professors' Corner webinar, ABA Section of Real Property, Trust & Estate Law, December 2018
https://www.americanbar.org/groups/real_property_trust_estate/events_cle/pcorner/facilitating-testamentary-freedom-2018-12-11/ (access requires section membership)

SERVICE TO THE LOCAL BAR

Articles in Bar Journals

Special Considerations When Interpreting Uniform Acts,
RES GESTAE: JOURNAL OF THE INDIANA STATE BAR ASS'N, Jan./Feb. 2015, at 28

Claimants Beware: Strict Deadlines Limit Federal Employment Discrimination Suits,
ILLINOIS BAR JOURNAL, June 2009, at 304

Continuing Legal Education Presentations

The Failure of the Fantasy Exception to North Carolina's Rape-Shield Rule (for CLE credit)

University of North Carolina School of Law's Festival of Legal Learning, February 2020
William & Ida Friday Center for Continuing Education, Chapel Hill, North Carolina

The Location of Holographic Wills (with Mark Glover) (for CLE credit)

University of North Carolina School of Law's Festival of Legal Learning, February 2019
William & Ida Friday Center for Continuing Education, Chapel Hill, North Carolina

Citation Stickiness (for CLE credit)

University of North Carolina School of Law's Festival of Legal Learning, February 2019
William & Ida Friday Center for Continuing Education, Chapel Hill, North Carolina

Facilitating Testamentary Freedom (with Mark Glover)

Professors' Corner Webinar, December 2018
Hosted by the ABA Section of Real Property, Trust & Estate Law

Counter-Majoritarian Testators, Insane Delusions, and the Law of Wills (for CLE credit)

University of North Carolina School of Law's Festival of Legal Learning, February 2018
William & Ida Friday Center for Continuing Education, Chapel Hill, North Carolina

The Constitutional Limits of Restitution (for CLE credit)

University of North Carolina School of Law's Festival of Legal Learning, February 2017
William & Ida Friday Center for Continuing Education, Chapel Hill, North Carolina

The At-Issue Doctrine and the Attorney-Client Privilege (for CLE credit)

Sidley Austin LLP Intellectual Property Litigation Group Breakfast, May 2009
Sidley Austin LLP, Chicago, Illinois

PROFESSIONAL AND INSTITUTIONAL SERVICE

- 2020-present, Judicial Clerkships Committee Chair (UNC)
- 2019-2020, Faculty Speakers Committee Member (UNC)
- 2018-2020, Legal Writing Institute Scholarship Grants Selection Committee Member
- 2016-2019, Assistant Editor of LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE
- 2016-2017, 2018-2019, Admissions Committee Member (UNC)
- 2017-2018, International Committee Member (UNC)
- 2016, Selection Committee Member for Student Organization Awards (IU)
- 2015-2016, Faculty Mentor & Advisor for the College of Advisors (small group and individual advising to sixteen incoming first year law students) (IU)
- 2014-2016, Faculty Advisor for Evans Constitutional Law Moot Court Team (IU)
- 2015, Selection Committee Member for Joan M. Ruhtenberg Scholarship for Achievement in Life and Legal Writing (IU)
- 2014-2015, Faculty Writers' Circle (IU)
- 2014-2015, Faculty advisor or second reader for students' independent study projects (IU and LSU)
- 2014, Panelist for Faculty Panel on Clerkship Opportunities (IU)
- 2013-2014, Faculty advisor for students' law review and journal notes (LSU)
- 2013, Panelist for Faculty Panel at Student Orientation (LSU)
- 2011-present, Volunteer judge for student competitions (UNC, IU, LSU, and Richmond)

BAR MEMBERSHIP

Illinois (admitted 2007)

United States Court of Appeals for the Fourth Circuit (admitted 2011)