

RALPH C. ANZIVINO
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I. PERSONAL DATA

Married, 5 Adult Children
Professor of Law
Phone: 414 288 5365 (office)
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II. EDUCATION

Case-Western Reserve Law School, 1969-1971 (December grad.). Order of Coif;
Law Review Editor; Moot Court Board; selected Clinton Dewitt Scholar.

Bowling Green University, 1965-1969; graduated business and accounting major;
certified public accounting test passed; selected Beta Alpha Psi (accounting
honorary) and Beta Gamma Sigma (business honorary); selected as teaching
assistant and taught freshman accounting as a senior student.

Admitted to Ohio Bar in 1972.

Admitted to Wisconsin Bar in 1977.

III. EMPLOYMENT

Marquette University Law School; 1976-current.

American Arbitration Association; Commercial/Contracts Arbitrator 1990-
Current

National Arbitration Forum; Commercial/Contracts Arbitrator 2004-Current

Case Western Reserve Law School; 1974-1976; Adjunct Professor.

Parkes, Eisele, Bates and Wilsman; 1971-1976; Associate (partnership invitation
declined).

Weiss Teper & Fiorenza; 1980-1984; Associate

Fiorenza & Amato; 1995-1997; of counsel

IV. SCHOLARSHIP (1996-current)

BOOKS AND SUPPLEMENTS

UNIFORM COMMERCIAL CODE SERIES, Anzivino, R Volume 7, LETTERS OF CREDIT (with Hawkland), West Publishing, (1989), and annual supplements.

UNIFORM COMMERCIAL CODE TRANSACTIONS GUIDE, 4 Volume Set, Anzivino, R (with Alces, Hanford, and Lacy), West Publishing, (1988), and annual supplements.

PARTNER AND PARTNERSHIP BANKRUPTCY, Anzivino, R. West Publishing, (1987), annual supplements.

BOOK CHAPTERS

Chapter 11--*Consumer Bankruptcy*, Personal Legal Guide, American Bar Association (2008).

Chapter 1--*Contracts*, Volume 3, The Wisconsin Business Advisor Series: Commercial and Consumer Transactions, State Bar of Wisconsin, (2006 (Supplement, 2008, 2012, 2017)).

Chapter 3--*Sales*, Volume 3, The Wisconsin Business Advisor Series: Commercial and Consumer Transactions, State Bar of Wisconsin, (2006 (Supplement, 2008, 2012, 2017)).

LAW REVIEW ARTICLES (Since 2000)

The Implied Warranty of Merchantability and the Remote Manufacturer, PENDING PUBLICATION BY MARQUETTE UNIVERSITY LAW REVIEW

The Economic Loss Doctrine: Intrinsic Or Extrinsic Fraud, 99 Marquette L. Rev. 179 (2015).

Vacating Awards Under the Wisconsin Arbitration Act and the Federal Arbitration Act, 98 Marquette L. Rev. 1633 (2015).

The Wisconsin Consumer Act: Consumer Credit Sales, Consumer Leases, Open-End Credit Plans, and Exclusions, 97 Marquette L. Rev. 55 (2013).

The Wisconsin Consumer Act: Territorial Considerations, 96 Marquette L. Rev. 833 (2013).

The Wisconsin Consumer Act: When is a Transaction a Consumer Credit Transaction? 96 Marquette L. Rev. 205 (2012).

Drafting Restrictive Covenants in Employment Contracts, 94 Marquette Law Review 499 (2010).

The False Dilemma of the Economic Loss Doctrine, 93 MARQUETTE UNIVERSITY LAW REVIEW 1121 (2010).

The Disappointed Expectations Test and the Economic Loss Doctrine, 92 Marquette University Law Review 101-131 (Summer 2009).

The Economic Loss Doctrine: Distinguishing Economic loss from Non-Economic loss, 91 Marquette University Law Review 1081 (Summer, 2008), reprinted, ICFAI University Journal of International Business Law, ICFAI University Hyderabad India (2009).

The Fraud in the Inducement Exception to the Economic Loss Doctrine, 90 Marquette University Law Review 921 (2007).

A Warehouse's Burden of Proof, 36 Uniform Commercial Code Law Journal 89-120 (2004).

Reorganization of the Professional Sports Franchise, 12 Marquette University Sports Law Review 9-65 (2001).

BAR JOURNALS ARTICLES

Does the "Bona Fide" Error Defense of the Fair Debt Collection Practices Act Include Mistakes of Law? , 37 ABA PREVIEW OF U. S. SUPREME COURT CASES 184 (2010/Winter/January).

The Impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on Business, State Bar Convention Publication (May, 2006).

The Bankruptcy Means Test under the New Bankruptcy Code, Vol. 25, #1 State Bar of Wisconsin Business Law Section (March, 2006).

Does an Individual Lacking Contractual Privity Have Standing Under § 1981 to Bring a Claim for Racial Discrimination? 3 PREVIEW OF UNITED STATES SUPREME COURT CASES 128 (2005).

What is the Scope of the Postal Exception to the Federal Tort Claims Act? 2 PREVIEW OF UNITED STATES SUPREME COURT CASES 82 (2005).

What is the Scope of the Federal Tort Claims Act's Waiver of Sovereign Immunity? 1 PREVIEW OF UNITED STATES SUPREME COURT CASES 23 (2005).

Analysis of Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, 1-110 MARQUETTE UNIVERSITY LAW SCHOOL C.L.E. (2005).
<http://law.marquette.edu/s3/site/images/alumni/bankruptcy.pdf>

The Correlation Between Team Payroll and Competitive Performance in Professional Sports Leagues, 22 ABA ENTERTAINMENT AND SPORTS LAWYER 1 (2004).

Does Congress Have the Authority to Abrogate a State's Sovereign Immunity Under the Constitution's Bankruptcy Clause? 5 PREVIEW OF UNITED STATES SUPREME COURT CASES 252 ((2004)).

Reorganization of the Professional Sports Franchise, Revisited, AMERICAN BAR ASSOCIATION, ENTERTAINMENT & SPORTS LAW IN THE NEW ECONOMY 1-28 (October, 2003).

Can States Prohibit Municipalities from Offering Commercial Telephone Services to the Public? 4 PREVIEW OF UNITED STATES SUPREME COURT CASES 190 ((2003)).

Must the IRS Individually Assess the General Partners to Collect the Partnership's Delinquent Employment Taxes? 4 PREVIEW OF UNITED STATES SUPREME COURT CASES 180 ((2003)).

Are California's Milk Pricing Regulations Exempt from Scrutiny Under the Commerce Clause and the Privilege and Immunities Clause? PREVIEW OF UNINATED STATES SUPREME COURT CASES 431 (April, 2003).

Does the Contract Dispute Act Apply to Contracts Between the National Park Service and Private Concessioners? 5 PREVIEW OF UNITED STATES SUPREME COURT CASES 252-257 (February, 2003).

When Does Organized Protest Activity Violate the Racketeer Influenced and Corrupt Organization Act? 3 PREVIEW OF UNITED STATES SUPREME COURT CASES 175-180 (November, 2002).

Does the Federal Boat Safety Act Preempt State Common Law Claims? 1 PREVIEW OF UNITED STATES SUPREME COURT CASES 19-25 (October, 2002).

Can an Employer Reject an Applicant Because the Workplace Would Threaten His Health?, 5 PREVIEW OF UNITED STATES SUPREME COURT CASES 274-278 (February, 2002).

What Triggers the Statute of Limitations for Violations of the Fair Credit Reporting Act? 1 PREVIEW OF UNITED STATES SUPREME COURT CASES 17-22 (November, 2001).

Scope, Attachment & Perfection Under Revised Article 9, STATE BAR OF WISCONSIN (May, 2001).

Legislative Watch: State Bar Urges Adoption of UCC Revised Article 9, 74 WISCONSIN LAWYER 22 (February, 2001).

Should the “Product Liability Loss” Deduction be calculated on a Consolidated Basis for an Affiliated Group? 6 PREVIEW OF UNITED STATES SUPREME COURT CASES 302 (2001).

Are States’ Prevailing Wage Laws Constitutional? 5 PREVIEW OF UNITED STATES SUPREME COURT CASES 260 (2001).

Has the Federal Common-Law O’Dench Doctrine Been Preempted? 4 PREVIEW OF UNITED STATES SUPREME COURT CASES 202 (2001).

Can the Police “Impound” a Home? 2 PREVIEW OF UNITED STATES SUPREME COURT CASES 89 (2000).

Does the Federal Arbitration Act Apply to Contracts of Employment? 2 PREVIEW OF UNITED STATES SUPREME COURT CASES 76 (2000).

What Constitutes “Property” Under the Federal Mail Fraud Statute? 1 PREVIEW OF UNITED STATES SUPREME COURT CASES 37 (2001).

Does an Auto Manufacturer’s Compliance with National Traffic and Motor Vehicle Safety Standards Pre-empt Suits for Defective Design? 3 PREVIEW OF UNITED STATES SUPREME COURT CASES 165 (1999).

Subrogation, Subordination and Fraudulent Conveyances, 1998 NORTON ANNUAL SURVEY OF BANKRUPTCY LAW 1 (1998).

Is There a Three Year Limitation Period on a Homeowner’s Right to Rescind a Loan Agreement for a Lender’s Truth-In-Lending Act Violations Raised as a Defense to Foreclosure? 5 PREVIEW OF UNITED STATES SUPREME COURT CASES 276 (1998).

“Cram Down” in Bankruptcy: Is a Secured Creditor Entitled to Replacement Value, Foreclosure Value, or the Average of the Two? 7 PREVIEW OF UNITED STATES SUPREME COURT CASES 424 91997).

Subrogation, Subordination and Fraudulent Conveyances, 1997 NORTON INSTITUTE ON BANKRUPTCY LAW 1 (1998).

Word Games, What Did Congress Mean When it Exempted Off-Exchange Transactions in Foreign Currency from Federal Regulation? 2 PREVIEW OF UNITED STATES SUPREME COURT CASES 108 (1996).

RECENT PRESENTATIONS

Invited Speaker, Wisconsin Manufacturers & Commerce, The Economic Loss Doctrine, Wisconsin Club, Milwaukee, Wisconsin, (September 25, 2007).

Invited Speaker, *The Impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on Business*, State Bar Convention (May, 2006).

Invited Speaker, Marquette University Law School C.L.E. *Analysis of Bankruptcy Abuse Prevention and Consumer Protection Act of 2005* (September, 2005).

Invited Speaker, National Public Radio, “*The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*”, (September, 2005).

Invited Speaker, State Bar of Wisconsin, Annual Convention, *What’s New with Article 2?* Madison, Wisconsin (May 5, 2004).

Invited Speaker, American Bar Association, Entertainment & Sports Law, *Reorganization of the Professional Sports Franchise, Revisited*, New York, New York (October, 2003).

Invited Speaker, State Bar Convention, Business Law Section (State Bar of Wisconsin, May 2001) “*New Revised Article 9*”.

Invited Speaker, Radio Program, University of Wisconsin Milwaukee at 10 with Bob Bach (February, 2001) “*Business Reorganization*”.

AWARDS

2007, ALL UNIVERSITY RAYNOR TEACHING AWARD, MARQUETTE UNIVERSITY

OTHER

Interview, USA Today, March 21, 2005, Cover Story—“Amid Canceled Season, NHL faces Financial Meltdown” By Kevin Maney.

Selected by ABA to be designated *Contributing Editor* on Masthead of ABA, PREVIEW OF UNITED STATES SUPREME COURT CASES FOR COMMERCIAL LAW (effective Spring 2001).

Editor, Bankruptcy, Insolvency & Creditors' Rights Newsletter (State Bar of Wisconsin 1998-2008).

Editor, American Bar Association, Preview of the United States Supreme Court Cases, (Spring 2001-current).

President, Wisconsin "AAA" Youth Hockey Organization, (501(1)(c)(3) youth organization to assist student athletes obtain college scholarships). (1995-2003)

Vice-Chair, Uniform Commercial Code Committee, State Bar of Wisconsin. (2002-Current).

Director, Board of Directors, Business Law Section, State Bar of Wisconsin. (2002-2009).

Director, Board of Directors, Bankruptcy, Insolvency and Creditors Rights Section, State Bar of Wisconsin. (2004-2010).

Chair, Budget Advisory Committee, Marquette University Law School. (1998-2005)

Supervisor, Commercial Law Foundation Writing Program, Marquette University Law School (2001-2004).

Scrivener, State Bar of Wisconsin, Sales Bar Exam Question and Answer (Summer, 2001).

Scrivener, State Bar of Wisconsin, Contracts Bar Exam Question and Answer (Summer, 2000).

Reporter, Eastern District of Wisconsin, Bankruptcy Court Committee – Drafted Local Bankruptcy Court Rules published in Spring 2006.

Reporter, Eastern District of Wisconsin, Bankruptcy Court Committee – Drafted Local Bankruptcy Court Rules published in Spring 2003 (2002 – 2003).

Reporter, Eastern District of Wisconsin Chapter 13 Committee. Drafting Model Chapter 13 Plan for Eastern District (2003).

Scrivener, Wisconsin Bar Examination, Contracts Question & Answer. February 2003, 2005, 2007, 2008 Examination.

Scrivener, Colorado Bar Examination, Contracts Question & Answer. Summer 2003 Examination; Spring 2006; Secured Transactions Spring 2006, Summer 2008.

Scrivener, Minnesota Bar Exam, Contracts Question & Answer. Summer 2009 Exam.

Scrivener, Multi-State Bar Exam, Contracts Question & Answer. Summer 2009.