

## **ADVICE TO ACADEMIC INSTITUTIONS SEEKING FULBRIGHT SENIOR SPECIALISTS**

### **Michael Widener's Instructional (Lecture or Seminar/Workshop) Topics and Expertise**

I have practiced law in the State of Arizona for nearly 30 years in the areas of real property acquisition, land use entitlements, commercial development, financing, leasing and related topics in real estate as well as formation and operation of business enterprises. I advise corporations, limited companies and partnerships on organization, operation and management, purchase and sale of assets, merger, bankruptcy and dissolution. I further advise clients on matters ranging from water law and environmental regulation to employment law, sovereign immunity (in the representation of indigenous peoples) and bankruptcy. I served as an expert witness in a matter involving lease interpretation, and I have been an arbitrator (appointed by the State Superior [trial] Court) on numerous occasions. I serve as a zoning adjustment hearing officer for the City of Phoenix, Arizona, America's sixth largest city, and I have expertise in the area of land use and zoning acquired from both my official capacity and my representation of private landowners in land entitlement matters. I am a Certified Specialist in Real Estate Law under the auspices of the Board of Specialization of the State Bar of Arizona; and I own a real estate investment company headquartered in Arizona.

I teach business law and business ethics/social responsibility at the undergraduate and graduate (MBA) levels at the University of Phoenix's ground campuses in Arizona. The University has a robust online communications component and features undertakings by student learning teams occurring outside class hours. Following are the topics taught in my American business law and ethics/social responsibility classes:

- United States Constitution as the foundation of legal rights and obligations, together with the basic structure of the federal and state court systems;
- America's Uniform Commercial Code and the common law of contracts and sales of goods, including their legality and public policy implications;
- forms of business organizations, including partnerships, corporations and limited liability companies;
- securities regulation;
- banking and commercial paper;
- federal taxation of enterprises;
- anti-trust laws, especially the Sherman and Clayton Acts;
- protection of trademarks, copyright, patents and computer software;
- bankruptcy laws;
- consumer protection;
- international transactions and trade, anti-bribery and corruption of foreign officials federal legislation, extraterritorial legislation affecting commerce and other regulation of foreign investment in the United States;
- theories and applications (formal initiatives) of social responsibility and corporate ethics, including environmental sustainability

In my international commercial law class, I teach these topics in public and private law:

- International dispute resolution methods under treaties and by private agreement;
- CISG principles compared to America's Uniform Commercial Code and the contract principles arising under selected common and civil law traditions;
- Political and currency risks and hedges against them;

- The law governing recognition of treaties and international agreements;
- Jurisdiction, foreign sovereign immunity and the act of state doctrine;
- The law of transnational transportation of persons and goods;
- The role of international law in the U.S. legal system and how foreign affairs powers are allocated among the Executive, Legislative and Judicial branches of the American federal government;
- The Foreign Corrupt Practices Act and its impact on foreign subsidiaries and agents operating abroad;
- Joint venture formation, foreign direct investment and other combinations with foreign enterprises and state-owned businesses;
- Intellectual property protection outside the United States

I am an adjunct Professor of law at the Phoenix School of Law, where I teach sports law. Sports law applies the principles of business law to the world of entertainment and athletic endeavors, both on the amateur and professional levels. In addition to teaching about the legal framework and administrative structures of leagues and federations for sport around the world, the class covers American antitrust law, intellectual property law, the athlete's right of publicity (a doctrine of state statutory law), labor and employment law, tort law and contract law. Indeed, this course serves as a survey of many matters of American and (to some degree, evidenced in international federation arbitral awards) international common law and legislative interpretation applied to business organizations and individual performers in sport. The Phoenix School of Law has state of the art technology, featuring a robust online component; on the school Website, I maintain a web page with linked materials and discussion boards together with a blog site for student contributions on the law of sports. My primary academic interest in sports law today is the conflict between the individual's right of free speech and the increasing regulatory environment affecting professional and amateur athletes' use of social media in promoting their brands. I further am interested in the American cultural ambivalence about violence exhibited in controlled environments, particularly how advances in neuropsychology and growing social concern for the safety of participants impacts the organization of athletics enterprises.

I also have taught lawyers and persons in other professions in a variety of other educational settings such as proprietary schools and continuing legal education seminars. The major topics I teach in those settings are commercial leasing and land use law. I am one of America's leading authorities on the intersection of federal and state law where commercial leasing involves enterprises that must obey federal and state law simultaneously or in situations where the two bodies of law are incompatible. Two examples of this are (1) leasing to businesses that are illegal under federal law but legal under state law, and (2) leasing to businesses that must comply with a variety of specific federal regulations to remain in business even when their operations are fully in keeping with the laws of the particular state of their operations. The first example is aptly illustrated by the current problem with medical marijuana businesses in those 17 American states where they are approved, although it is illegal under federal law to possess and sell marijuana for any purpose.

I am available for consulting on curriculum development or in-person instruction, in any of several modes of lecturing or facilitating workshops or conferences, on the following topics:

- Fundamental principles of American Commercial Law (see above list of topics covered)

- The Institution of Private Property: U.S. Legal Processes, Rights and Remedies (real and personal property ownership, registration of ownership, financing and lien-holding systems, insurance of title to real property, ownership conflicts and remedies)
- Lawyers as Problem-solvers: Conflict Resolution Processes Beyond Litigation
- Real Property Law in America: Ownership, Financing, Leasing and Use of Real Estate
- Legal Concepts in Local Urban Planning: Zoning Codes and Land Use Processes, Eminent Domain, Historic Preservation and Other Public and Private Sector Tools of Land Control
- Business Ethics
- Sports law and business in the United States

I have written in peer-reviewed and other journals on subjects involving collaborative problem-solving using traditional alternative dispute resolution methods and atypical methods such as employing collective bargaining outside the realm of labor-management disputes. I also have published in the area of land use in affordable housing and other planning topics and on a variety of real property issues, particularly on my blog site <http://www.terraincogito.com> that I established in 2008. In April, 2012, I published an eBook on commercial real property leasing. My leading current academic interests are the impact of international workplace collaboration on real property development and financing, the sustainable dimensions of real property development, and how local government land use policies must address these social evolutions. My academic papers are available on the Social Sciences Research Network, under this URL (or by name search on SSRN): [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=1310571](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1310571)

I welcome inquiries from potential host academic institutions seeking cooperation in developing a project in my fields of knowledge. On a brief personal note, I have lived in France and Italy, and I have traveled extensively in Australia; therefore, I am well-acquainted with transnational interchanges. I was heavily involved in a project with the Bellini Opera Theater of Catania, Italy, in 2008, resulting in a week-long visit and a number of performances and master-classes by European opera soloists in the City of Phoenix.