

Norman I. Silber

Scholarly Interests:

Nonprofit Organizations
Consumer Law
Oral History
Legal History
Commercial Law

Education, Professional Training and Legal Practice:

Professor of Law, Hofstra Law School, 1989—present
Associate Dean for Intellectual Life 2008—present
Chair, Lateral Appointments 2009—present
Past Chair, Reappointment, Promotion and Tenure
Past Chair, Entry Level Appointments
Past Chair, Library Director Search
Past member, Dean Search
Past Academic Vice Dean

Director, Consumers Union
(publisher of *Consumer Reports* magazine and *ConsumerReports.org*)
Elected board member 1996—present
Secretary of the Board 2007—present
Executive Committee
Governance Committee
Nominating Committee
Orientation Committee
Liason, Consumers Union Action Fund
Past Audit
Past Budget
Past Strategic Planning

Member, American Law Institute
Principles of Nonprofit Governance (consultative group)
Software Licensing
Aggregate Litigation

Fellow, American Bar Foundation

Staff Interviewer, Columbia University Oral History Research Office
1979—present

President-elect, AALS Section on Nonprofit Law and Philanthropy
Founding Member
Executive Committee
Website Editor: www.nonprof.org

Past Chair, Consumer Affairs Committee, New York City Bar Association

Past Board Member, The American Council on Consumer Interests.

Visiting Research Professor, Boalt Hall, U.C. Berkeley, Fall 1997.

Chair, Subcommittee on Developments in Nonprofit Corporation Law, Business Law Section, American Bar Association, 1995 – 1999.

Patterson, Belknap, Webb & Tyler, New York City, 1987 – 1989: Tax-exempt corporations, commercial litigation.

Law clerk to Judge Leonard I. Garth, United States Court of Appeals for the Third Circuit, 1986 – 1987.

Columbia Law School, J.D., 1986.
Senior Revising Editor, *Columbia Law Review*.
Harlan Fiske Stone Scholar, 1985 – 1986.

Yale Graduate School of History, Ph.D., 1978.
Yale Mellon graduate scholarship; research awards.
(winner of Crown fellowship, Brandeis U.).

Washington University, B.A. in History, 1972.
Summa cum laude; Phi Beta Kappa.

Personal Information

Married to Nancy Aleinikoff Silber

One daughter (Michaela)

Board Member,
Reconstructionist Synagogue of the North Shore, Plandome, N.Y.

Norman I. Silber

Publications:

Books:

6. REFORMER AT HEART: THE ORAL HISTORY OF JUDGE BERNARD S. MEYER (Historical Society Of The Courts of the State of New York (in progress, 2009))
5. UNDERSTANDING NONPROFIT ORGANIZATIONS: LAW, POLICY AND MANAGEMENT (VICTOR FUTTER AND DAVID C. HAMMACK, CO-EDS.)(CAROLINA ACADEMIC PRESS)(2009, FORTHCOMING).
4. *From The Jungle To The Matrix: The Future Of Consumer Protection In Light Of Its Past*, in Chap. One, CONSUMER PROTECTION IN THE AGE OF THE 'INFORMATION ECONOMY,' (WINN, ED.) (ASHGATE)(2006).
3. WITH ALL DELIBERATE SPEED: THE LIFE OF PHILIP ELMAN, AN ORAL HISTORY IN MR. ELMAN'S WORDS (UNIVERSITY OF MICHIGAN PRESS)(2004) (widely reviewed; praised by Anthony Lewis, Richard Posner, Drew Days, Roy Wilkins and many others; see e.g., www.press.umich.edu/titleDetailPraise.do?id=17479)
2. A CORPORATE FORM OF FREEDOM: THE EMERGENCE OF THE NONPROFIT SECTOR (NEW PERSPECTIVES ON LAW, CULTURE AND SOCIETY, WESTVIEW PRESS)(2002)(reviewed and praised, e.g., Mark Sidel, Corporate Law: The Nonprofit Sector And The New State Activism, review of A Corporate Form of Freedom: The Emergence of the Nonprofit Sector, 100 Mich. L. Rev. 1312 (Annual Survey, 2003); Michigan Law Review (2003 Annual Survey); Evelyn Brody, Book Review: The Twilight Of Organizational Form For Charity: Musings On Norman Silber, A Corporate Form Of Freedom: The Emergence Of The Modern Nonprofit Sector, 30 Hofstra L. Rev. 1261 (2003). See also http://westviewpress.com/perseus/book_detail_redirect.do?imprintCid=WV&isbn=0813397626).
1. TEST AND PROTEST: THE INFLUENCE OF CONSUMERS UNION (HOLMES AND MEIER)(1983). reviewed, e.g., 89 AMER. HIST. REV. 874 (1984). *Cited, inter alia*, 10 YALE J. ON REG. 147, 212 (1993); 18 HOFSTRA L. REV. 457, 469 (1990).

Law Reviews:

83. Article, *Charitable Debt Calamity: How Nonprofits Fell Into the Auction-Rate Securities Trap; The Problems that Lie Ahead* (in progress)(2009).
82. Article, *Addressing Consumer Debt Problems Caused By Major Catastrophes: A Proposal to Mandate Force Majeure Provisions and Socialize Credit Insurance* (in progress)(2009).
81. Article, *Thriving On Adversity: Corporate Treatment and Mistreatment of Consumers in the Wake of Hurricane Katrina* (in progress)(2009)
80. Article (entry), *Herbert Wechsler*, YALE BIOGRAPHICAL DIRECTORY OF AMERICAN LAW (Newman, ed.)(2009).
79. Article, *Late Charges, Regular Billing, and Reasonable Consumers: A Rationale for a Late Payment Act*, 83 CHICAGO-KENT LAW REVIEW, 855 (2008)
78. Article, *Anticonsultative Trends in Nonprofit Governance*, 86 OR. L. REV. 65 (2007).
77. Article, *Nonprofit Interjurisdictionality*, Symposium: Who Guards the Guardians? The Monitoring and Enforcement of Charity Governance, 80 CHICAGO-KENT REV. 613 (2005).
76. Article, *Nonprofit Fundraising and Consumer Protection: A Donor's Right to Privacy* (with Ely R. Levy), 15 STANF. L.& POL'Y REV. (2004)(numerous citations).
75. Article, *The Solicitor General's Office, Justice Frankfurter, and Civil Rights Litigation, 1946-1960: An Oral History*, Philip Elman interviewed by Norman Silber, 100 HARVARD. L. REV. 817 (1987)(several hundred newspaper and law journal citations).
74. Article, *Toward 'Neutral Principles' in the Law: Selections from the Oral History of Herbert Wechsler* 93 COLUMBIA. L. REV. 854 (1993) (Geoffrey Miller, co-author). Cited, *inter alia*, 69 IND. L.J. 32 (1994); 107 HARV. L. REV. 2031, 2048 (1994); 107 HARV. L. REV. 620, 624, 629 (1994); *United States v. Cordoba-Hincapie*, 825 F.Supp. 485, 501 (E.D.N.Y. 1993).
73. Article, *Substance Abuse at U.C.C.Drafting Sessions*, 75 WASH. U.L.Q., 225, (1997)
72. Review, *Commercial Litigators Reveal All*, 25 HOFSTRA L.R., 235 (1996).

71. Article, *Regulating Interactive Communications on the Information Superhighway (consumer protection on the Internet)*, 5 FORDHAM INTEL. PROP., MED. & ENT. L. J. 329 (1995).
70. Article, *Why the U.C.C. Should Not Subordinate Itself to Federal Authority: Imperfect Uniformity, Improper Delegation and Revised Section 3-102*, 55 U. PITTSBURGH L. REV. 441 (1994) *Discussed*, Rubin, THE PAYMENT SYSTEM 331, 509 (1994)(West).
69. Article, *Observing Reasonable Consumers: Cognitive Psychology, Consumer Behavior, and Consumer Law*, 2 LOYOLA CONSUMER L. REP. 69 (1990). *Cited*, 93 WISC. L. REV. 13, 26 (1993).
68. Student note, *Cleaning Up in Bankruptcy: Curbing Abuse of the Federal Bankruptcy Code by Industrial Polluters*, 85 COLUMBIA L. REV. 870 (1985). This student note was quoted by Rehnquist, J., dissenting, in *Midlantic National Bank v. New Jersey Dept. Environmental Protection*, 106 S.Ct. 755, 766 (1986). For citation, *See, e.g.*, 14 CARDOZO L. REV. 1999 (1994); 9 BANK. DEV. J. 485 (1993); 5 FORD. J. ENV. L. 220 (1993); 54 U.CHIC. L. REV. 877 (1987); 99 HARV. L. REV. 1573 (1986).

Selected Media Citations

Vinnee Tong, “[Meltdown 101: GM's bankruptcy and liability claims](#),” *Business Week*, July 6, 2009; Christopher Jensen, “[G.M. and Chrysler Liability Differences](#),” *The New York Times*, July 1, 2009; Christopher Jensen, “[Two Bankruptcies. Now What?](#)” *The New York Times*, June 12, 2009; Herb Weisman, *The Real Victims of Chrysler Fallout*, MSNBC, June 11, 2009; <http://www.komonews.com/news/problemsolvers/47720167.html?video=YHI&t=a>,

Other Articles, Essays, Appearances, Panels, Consultations, Activities and Reviews:

67. Invited Western Consumer Law Expert, CLD-China Law Development Corp., Seminar on the Reform of China’s Consumer Protection Law, Beijing, China, July 7, 2009.
66. Invited Expert, China-US Second Training Session on the Protection of Consumer Rights, Xi’ning, China, July 9-11, 2009 (China Consumers Association-CLD).
65. Paper, “Bubbles, Fraud, and Folly: The Emerging Problem of Nonprofit Bond Liability,” 2008 Annual Conference, ARNOVA (Association for Research

on Nonprofit Organizations and Voluntary Action).

64. Manuscript Presentation, "The Oral History of Judge Bernard Meyer," New York University Law School Legal History Workshop, November, 2008.

63. Paper, "The Emerging Charitable Debt Crisis, Annual Conference of the American Association of Law Schools, Section on Nonprofit and Philanthropy Law, January 10, 2009.

62. Moderator/ commentator, "Energy, The Environment and the Consumer," Panel on Consumer Responsibility, Mar. 19, 2009.

61. Lecture, Recent Developments in New York's Commercial Law, Commercial Law Section, Nassau County Bar Association, Dec., 2008.

60. Presentation, "The Economic Meltdown," Pre-Presidential Debate Panel, Hofstra Law School, November, 2008.

59. Presentation, "No Country for Old Men, The Origins of Consumers Union in the American Workplace," lecture to the employees of Consumers Union (Consumer Reports Magazine), May, 2008.

58. Presentation, "Online Advertising and Consumer Protection," University of California at Berkeley, Boalt Hall Law School, Center for Law and Technology, Conference on the Law and Business of Online Advertising, April 18, 2008.

57. Paper, Hybrid Nonprofit Organizations, 2007 Annual Conference, ARNOVA (Association for Research on Nonprofit Organizations and Voluntary Action).

56. Presentation, "Lending to Undocumented Immigrants," Hofstra Conference on Local Dimensions of Immigration, November 9, 2007.

55. Moderator / commentator, "The Pharmaceutical Industry and its Relationship with Government, Academia, Physicians and Consumers," Conference panel on HHS Scientific Integrity, Hofstra University, Oct. 5, 2006.

54. Thriving on Adversity: Disclosing Corporate Mistreatment of Consumers Caught in Hurricanes Katrina and Rita and Exploring the Consumer Movement's Response to Crisis and Catastrophe, 2006 Annual Conference, American Council on Consumer Interests, Baltimore, Md.

53. Article, Recent Developments in Nonprofit Privacy, Philanthropy Newsletter, Better Business Bureau (Summer, 2006).

53. "Transplanting and Amplifying an Interviewer's Voice: One Response to Some Persistent Critiques of the Value of Oral History," Annual Conference, Oral History Association, Providence, R.I. (2005)
52. Chapter, *Using Search Firms to Fill Vacancies in Nonprofit Organizations*, in Futter and Overton, eds., NONPROFIT GOVERNANCE, (American Bar Assn., 2nd ed., 2002).
51. Op-ed, "My View," *The Chronicle of Philanthropy*, Jan. 24, 2002, "Donor-Advised Funds Can Be Terrorist Tools."
50. Essay, "Charity as a Terrorist Tool," *Hofstra Horizons*, Spring 2002 (adapted op-ed).
49. Contributor, "Consumer Law," OXFORD COMPANION TO AMERICAN LAW (2002).
48. Paper presentation, "Donor Accountability and Terrorism," Annual Meeting, Association for Research on Nonprofit Organizations and Voluntary Associations (ARNOVA), November, 2002.
47. Paper presentation, "Nonprofit Chartering in the Shadow of Wartime," Annual Meeting, Association for Research on Nonprofit Organizations and Voluntary Associations (ARNOVA), December, 2001.
46. Essay, "Terrorism, Patriotism and Consumerism," 13 ADVANCING THE CONSUMER INTEREST 1 (2001).
45. Article (literature review), "The High Cost of Invention: Patent Law and the Consumer Interest," 13 ADVANCING THE CONSUMER INTEREST 17 (2001)(co-authored with Mohamed Abdel-Ghany).
44. Selected to conduct an oral history of the New York Court of Appeals by the New York State Bar Foundation and the Chief Judge of the Court, 1999.
43. Presentation, Jurisprudence and Social Policy Seminar, University of California, Berkeley, "The Transformation of the Nonprofit Sector," January, 1998.
42. Moderator, *Consumer Participation in Lawmaking, A Global Perspective*, Annual Conference, American Council on Consumer Interests (1998).
41. Panel moderator, "Consumer Input in Establishing a Framework of Consumer Protection to Enhance Fair Trading and Equity in the Global Marketplace," 1998 ACCI Annual Conference.

40. University Lecturer, *Consumer Participation in Law Drafting*, Lecture Series, University of Wisconsin Consumer Sciences Department and Law School, Fall 1996.
39. Program Commentator, *Law, Legal Theory, and Critical Legal Theory*, Law and the Arts Symposium, Hofstra University (1996).
38. Contributing Editor, "Consumer Law," ENCYCLOPEDIA OF THE AMERICAN CONSUMER MOVEMENT (Consumer Federation of America, 1996).
37. "Stuart Chase," AMERICAN NATIONAL BIOGRAPHY (Oxford University Press)(1996).
36. "Arthur Kallet," AMERICAN NATIONAL BIOGRAPHY (Oxford University Press)(1996).
35. "Carole Weiss King," AMERICAN NATIONAL BIOGRAPHY (Oxford University Press)(1996).
34. "Colston Estey Warne," AMERICAN NATIONAL BIOGRAPHY (Oxford University Press)(1996).
33. Invited Participant (consumer perspective), Meeting of Law Revision Commission regarding revisions to Article 8 of the Uniform Commercial Code, May, 1996.
32. Panel Discussion Moderator, *Consumer Grievances in Managed Health Care: Is there a Role for ADR?* Association of the Bar of the City of New York, March 21, 1996.
31. Panel Discussion Moderator, *Predatory Lending: Can Borrowers or Responsible Lenders Afford to Let it Continue?* Association of the Bar of the City of New York, April 30, 1996.
30. Consultant, KNOW YOUR RIGHTS (Reader's Digest Books, 1995).
29. Article, *Watching Czechs Look West*, 15 ILSA J. INT'L & COMP. L. 103 (1995).
28. Invited participant, Meeting of the New York Law Revision Commission regarding proposed revisions to Articles 3 and 4 of the Uniform Commercial Code, October 1994.

27. Article, *Colston Warne and the Roots of the Consumer Movement*, in *POWER AND RESPONSIBILITY: ESSAYS ON LEADERSHIP IN AMERICA* (essays in honor of John M. Blum) (New York: Harcourt, Brace, Jovanovich) (1986). *Cited, inter alia*, Richard L.D. Morse, *THE CONSUMER MOVEMENT* 326 (1994).
26. Presentation, New York University Legal History Colloquium, "The Formation Transformation: Judicial Discretion and the Reconceptation of the Nonprofit Sector," November 2, 1994.
25. Joint-author (principal drafter), *Report on S. 5144, Revisions to Articles 3 and 4, New York Uniform Commercial Code*, Consumer Affairs Committee of the Association of the Bar of the City of New York, August, 1994 (30 committee members).
24. Panel discussion moderator, "Who's Looking Out for Low Income Consumers?" Association of the Bar of the City of New York, May 17, 1994.
23. Presentation, St. Johns Law School Faculty Colloquium, "Judge Posner and Neutral Principles," February 15, 1994.
22. Commentary, "The Impact of the Second World War on Legal Thought," 1994 Annual Meeting of the Legal History Section of the American Association of Law Schools, "World War II and the Construction of Public Law," January 1994 (sold on cassette).
21. Article (adaptation), *Challenging the Concept of a Closed System*, COLUMBIA LAW SCHOOL REPORT, Autumn 1993 (Geoffrey Miller, co-author)(Henry Monaghan, ed.).
20. Presentation, New York University Law School Legal History Colloquium, "Towards Neutral Principles in the Law," January 13, 1993.
19. Article, *Consumer Protection and Preemption in a Federal System*, in *PROCEEDINGS OF THE INTERDISCIPLINARY CONFERENCE ON GOVERNMENT STRUCTURES IN THE U.S. A. AND THE SOVEREIGN STATES OF FORMER USSR (1992)*(Greenwood Press).
18. Invited Participant, New York Council for the Humanities, New York City Media Project 1992.
17. Co-author, *Report of the New York State Bar Working Group on Revised Articles III and IV of the Uniform Commercial Code*, 1992 (eight committee members).Address to the Hofstra University history department semi-annual workshop comparing historiography of labor reform, women's rights reform, and consumer reform; April,1992.

16. Article (adaptation), *Observing Reasonable Consumers*, ADVANCING THE CONSUMER INTEREST magazine, Vol.3, No.2 (Spring 1991).
15. Book review, *Adapting to Abundance: Jewish Immigrants, Mass Consumption, and the Search for American Identity* (Andrew Heinze), 25 J. CONS. AFFAIRS 185 (1991).
14. Chair, session "Mining history from memory and memory from history," 1991 Annual Meeting of the Oral History Association.
13. Address, "Meaning and Purpose in Consumer History," annual guest lectureship presented at Kansas State University, March 1991 (upon dedication of consumer movement archives reading room).
12. Panelist, "Checks and Balances," Banking Law Committee and LACE committees, Association of the Bar of the City of New York, Spring 1991 (sold on cassette).
11. Invited discussion participant, Proposed U.C.C. Article IIA (Leases) New York State Law Revision Commission 1990.
10. Discussion group participant, New York State Law Revision Commission, "Uniform Commercial Code Article 2A (Leases): A Round Table Discussion," June 1, 1990.
9. Magazine article, *Consulting Historians and Television Documentaries*, *Organization of American Historians Newsletter*, February, 1986.
8. "Consumers Union at Fifty," keynote speech co-written for delivery by Walter Cronkite on the occasion of the organization's fiftieth anniversary banquet, 1986.
7. "When Consumer Rights are Human Rights: Human Rights Instruments and the International Guidelines for Consumer Protection," (1985)(unpublished manuscript).
6. Television Documentary, AMERICA AT RISK: A DOCUMENTARY HISTORY OF CONSUMER PROTEST, aired Sept. 16, 1985 on the Public Broadcasting Network (chief program and script consultant); red ribbon, American Film Festival; reviewed, *New York Times*, Sept. 16, 1985.
5. "The Growth of the National Market and the Myth of the Passive Consumer," presented at the Annual Conference of the Organization of American Historians (1984).

4. Presentation, "Problems of the Atomic Age: Nuclear Fallout in Food," presented at the Annual Conference of the Organization of American Historians (1983).
3. Book review, "Covenant Theology and Antinomianism in Early Massachusetts," (William Stoeber), 7 Horizons 112 (1980).
2. Book review, "Blacking Up: The Minstrel Show in Nineteenth Century America," (Robert Toll) 144 Yale Lit. Mag. 62 (1978).
1. Dissertation, Consumer Protest and the Social Control of Technology, Yale University Ph.D. (history)(1978).