

Milton C. Regan, Jr.
Georgetown University Law Center
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PROFESSIONAL EXPERIENCE

Georgetown University Law Center (1991-present)

McDevitt Professor of Jurisprudence
Director, Center on Ethics and the Legal Profession, Georgetown Law Center
Co-Director, Center on National Security and the Law, Georgetown Law Center

Courses:

National Security Graduate Proseminar

Selected topics include law of armed conflict, cyber operations, nuclear weapons, terrorism and counterterrorism, foreign intelligence surveillance, police use of force, detention, human rights law and decision-making

International Law, National Security, and Human Rights

Course includes units on international law, international human rights law, law of armed conflict, cyber operations, terrorism, targeted killing, and covert action

Human Rights and the Use of Force in International Law Seminar

Course focus is on police and military use of force in counterterrorism operations and in armed conflict against non-state armed groups

Business and Human Rights Practicum

Course includes units on sources of human rights standards for the conduct of business, including domestic regulation, principles established by international organizations, industry codes of conduct, and contractual terms; as well as selected practices raising human rights concerns

Senior Fellow, Stockdale Center for Ethical Leadership, U.S. Naval Academy

Academic Visitor, Uehiro Centre for Practical Ethics, University of Oxford

Adjunct Faculty, Australian National University Law School Centre for Military and Security Law, Canberra, Australia

Inaugural John Hart Ely Visiting Scholar on Ethics and the Legal Profession, Yale Law School, February 2009

Associate, Davis Polk & Wardwell, Washington D.C. (August 1987 to November 1990)

Law Clerk, Justice William J. Brennan, Jr., Supreme Court of the United States (1986-1987)

Law Clerk, Judge Ruth Bader Ginsburg, United States Court of Appeals for the District of Columbia Circuit (1985-1986)

PROFESSIONAL ACTIVITIES

Faculty Advisor, *Georgetown Journal of Legal Ethics*

Advisory Board, *Georgetown Journal of International Law*

Editorial Board, *Journal of National Security Law and Policy*

Editorial Board Member, *Journal of Professions and Organization*, University of Oxford

Member, American Bar Association Business and Human Rights Project Advisory Board, American Bar Association Center for Human Rights

CURRENT RESEARCH GRANT PROJECTS

Senior Researcher, *Global Terrorism and Collective Responsibility: Redesigning Military, Police, and Intelligence Institutions in Liberal Democracies*, European Research Council Advanced Grant Project

Senior Researcher, *National Security Intelligence: Ethics, Ethics, and Accountability*, Australian Research Council

Principal Investigator, *Split-Second Ethics: Neuroscience and Rapid Decision-Making in Asymmetrical Conflict*, Georgetown University Grant on Complex Moral Problems

PUBLICATIONS

Books

Hunters in the Sky: Understanding Drone Strikes (forthcoming, Palgrave Macmillan 2021)

BigLaw: Money and Meaning in the Modern Law Firm (forthcoming, University of Chicago Press 2019) (co-author Lisa H. Rohrer)

Professional Responsibility: Representing Business Organizations, (West Academic Publishing 2016) (co-author John K. Villa)

Confidence Games: Lawyers, Accountants, and the Tax Shelter Industry (MIT Press 2014)(co-author Tanina Rostain)

Eat What You Kill: The Fall of a Wall Street Lawyer (University of Michigan Press 2004)

Legal Ethics and Corporate Practice (Thomson/West, 2005)(co-author Jeffrey D. Bauman)

Co-Editor (with Anita L. Allen), *Debating Democracy's Discontent: Essays on American Politics, Law, and Public Philosophy* (Oxford University Press 1998)

Alone Together: Law and the Meanings of Marriage (Oxford University Press 1999)

Family Law and the Pursuit of Intimacy (New York University Press 1993)

Book Chapters

“Networks, Nodes, and Counterterrorism” in *Fighting War as Crime and Crime as War: Normative Frameworks for National Security* (Claire Finkelstein, Jens Ohlin & Mitt Regan eds.) Oxford University Press forthcoming 2021

“Accountability for Targeted Killing,” in *Counter-Terrorism: The Ethical Issues* (Jonas Feltes, ed.) Edward Elgar, forthcoming 2021 (co-author Mary DeRosa)

“Terrorist Crimes and Liberal Democratic Values,” in *Counter-Terrorism: The Ethical Issues* (Jonas Feltes, ed.) Edward Elgar, forthcoming 2021 (co-author Alexandra White)

“Deliberative Democracy in the National Security Setting,” in *The Cambridge Handbook on Deliberative Constitutionalism* (Jeff King, Hoi Kong, Ron Levy & Graeme Orr eds.)(Cambridge University Press 2018)(co-author Mary B. DeRosa)

“Gendered Pathways: Choice, Constraint, and Women’s Job Movements in the Legal Profession,” in *Diversity in Practice* (Cambridge University Press 2016)(co-author Juliet Aiken)

“Taxes and Death: The Rise and Demise of an American Law Firm,” in *Studies in Law, Politics and Society: Law Firms, Legal Culture, and Legal Practice* (Austin Sarat ed., Emerald Publishing 2010)

“Bankrupt in Milwaukee,” in *Legal Ethics Stories* (Deborah L. Rhode & David Luban eds., Foundation Press 2006)

Corporate Speech and Civic Virtue, in *Debating Democracy's Discontent* (Anita L. Allen & Milton C. Regan, Jr., eds., Oxford University Press 1998)

Articles in a Periodical

“Liberalism, Military Force, and Universal Human Rights,” __ ETHICS & INT’L AFF. __ (2021)

“Emotion, Virtue, and Military Ethics Training,” __ J. MILITARY ETHICS __ (2021)(co-authors Kevin Mullaney & Paul Zimmerman)

“Police, Soldiers, and Civilians: The Militarization of Law Enforcement,” __ TEX. NAT. SEC. REV. __ (2020)

“National Security and ‘Secret Law,’” __ TEX. REV. NAT. SEC. __ (2020)

“From Protecting Lives to Protecting States: Use of Force Across the Threat Continuum,” 10 J. NAT. SEC. & POLICY 123 (2019)

“Business and Human Rights as a Galaxy of Norms,” 50 GEO. J. INT’L L. 309 (2019)(co-authors Elise Groulx Diggs & Beatrice Parance)

“One Minute in Haditha: Ethics and Non-Conscious Decision-Making,” 18 J. MILITARY ETHICS 1 (2019)(co-author Kevin Mullaney)

“Legal Ethics and the Situated Lawyer,” 30 *Geo. J. Legal Ethics* 415 (2017)

“Ain’t Misbehaving: Behavioral Ethics and Rest’s Model of Moral Judgment,” 51 *New Eng. L. Rev.* 101 (2017) (Symposium on Behavioral Legal Ethics)(co-author Nancy L. Sachs)

“Lawyers in the Shadow of the Regulatory State: Transnational Governance on Business and Human Rights, 84 *Fordham Law Review* 2001 (2016)(co-author Kath Hall)

“Lawyers, Globalization, and Transnational Governance Regimes,” 12 *Ann. Rev. Law & Soc. Sci.* 133 (2016)

“A Fragile Balance: Business, Culture, and Profession in the Large Law Firm”
[http://www.lsac.org/docs/default-source/research-\(lsac-resources\)/gr-15-02.pdf](http://www.lsac.org/docs/default-source/research-(lsac-resources)/gr-15-02.pdf). (co-author Lisa Rohrer)

“Lawyer Independence in Context: Lessons from Four Practice Settings,” 29 *Geo. J. Legal Ethics* 153 (2016) (co-authors Zachary Hutchinson & Juliet Aiken)

“Nested Ethics: A Tale of Two Cultures”, 42 *HOFSTRA L. REV.* 143 (2013)(Symposium on the Ethical Infrastructure and Culture of Law Firms)

“Tax Advisors and Conflicted Citizens,” 16 *LEGAL ETHICS* 322 (2013)

“Money and Meaning: The Moral Economy of Law Firm Compensation,” 10 *U. St. Thomas L.J.* 74 (2013)(Symposium on Empirical Legal Ethics)(co-author Lisa Rohrer)

“Supply Chains and Porous Boundaries: The Disaggregation of Legal Services,” 78 *Fordham L. Rev.* 2137 (2010)(Symposium on The Great Recession and the Legal Profession)(co-author Palmer Heenan)

“Lawyers, Symbols, and Money: Outside Investment in Law Firms,” 27 *Penn State Int’l L. Rev.* 407 (2009)(Symposium on Global Legal Practice)

Co-Author (with Bruce MacEwen & Larry Ribstein), “Law Firms, Ethics, and Equity Capital: A Conversation,” 21 *Geo. J. Legal Ethics* 61 (2007)

“Moral Intuitions and Organizational Culture,” 51 *St. Louis U. L. Rev.* 941 (2007)(Symposium on Teaching Ethics and Professional Responsibility)

“Risky Business,” 94 *Geo. L. Rev.* 1957 (2006)

“Legal Ethics: A Corporate Compliance Model?” 19 *Geo. J. Legal Ethics* 313 (2006)

“Teaching Enron,” 74 *Fordham L. Rev.* 1139 (2005) (Symposium on Ethics in Corporate Representation)

“Review Essay (*How Lawyers Lose Their Way*, by Jean Stefancic & Richard Delgado),” 55 *J. Leg. Educ.* 454 (2005)

“Ethics, Law Firms, and Legal Education,” 55 *Maine L. Rev.* 363 (2003) (Godfrey Scholar-in-Residence Lecture)

“Corporate Norms and Contemporary Law Firm Practice,” 70 *Geo. Wash. L. Rev.* 1701 (2002) (Symposium on Corporate Social Responsibility)

“Taking Law Firms Seriously,” 16 *Geo. J. Legal Ethics* 155 (2002)

“Foreword: Professional Responsibility and the Corporate Lawyer,” 13 *Geo. J. Legal Ethics* 197 (2000) (Symposium on Professional Responsibility and the Corporate Lawyer)

“Law Firms, Competition Penalties, and the Values of Professionalism,” 13 *Geo. J. Legal Ethics* 1 (1999)

“Professional Reputation: Looking for the Good Lawyer,” 39 *S. Texas L. Rev.* 549 (1998) (Symposium on Ethical Obligations and Liabilities Arising from Lawyers Professional Associations)

Numerous Articles and Book Chapters on Liberal and Communitarian Political Philosophy, Theories of Identity, and Family Law, 1991-1999

RECENT PROFESSIONAL ACTIVITIES ON ETHICS

Presentation, “Accountability for Targeted Killing,” European Research Council Project on Global Terrorism and Collective Responsibility,” Washington, DC, November 2019

Presentation, “Neuroscience, Emotion, and Military Ethics,” Uehiro Centre for Practical Ethics, University of Oxford, June 2019

Presentation, “The Ethics of Acting Covertly,” European Research Council Project on Global Terrorism and Collective Responsibility,” University of Oxford, June 2019

Plenary Presentation, “Moral Responsibility and Military Small-Unit Culture,” International Society of Military Ethics, Cleveland, OH January 2018

Presentation, “One Minute in Haditha: Neuroscience and Rapid Moral Decision-Making,” International Society of Military Ethics, Cleveland, OH January 2018

Moderator, Panel on “Beyond Legalism,” International Society of Military Ethics, Cleveland, OH January 2018

Organizer and Moderator, Workshop on Kenneth Watkin’s *Fighting at the Legal Boundaries: Controlling the Use of Force in Contemporary Conflict*, Georgetown Law Center, Washington, DC, November 2017

Presentation, “Moral Responsibility, Causal Responsibility, and Liability to Lethal Force: The Case of Non-State Combatants,” United States Naval Academy, McCain Conference on Future Conflict Scenarios,” April 2017

Presentation, “Lethal Targeting and Social Network Analysis,” International Society of Military Ethics, Washington, DC January 2017

Presentation, “Business Lawyers and Human Rights,” University of Arizona Law School, Tucson, Arizona, January 2017

Presentation, “Business Lawyers and Human Rights: A Common Law Perspective,” International Bar Association annual meeting, Washington, DC, September 2016

Presentation, “Standing Armies and SWAT Teams: The Militarization of Local Police,” McCain Conference, Stockdale Center for Ethical Leadership, U.S. Naval Academy, April 2016

Organizer and Moderator, Workshop on Adil Haque’s *Law and Morality at War*, Georgetown Law Center, Washington DC, April 2016

Moderator, Discussion of William Banks’ and Steven Dycus’ *Soldiers on the Home Front: The Domestic Role of the American Military*, March 2016

Organizer and Moderator, Discussion of Joseph Capizzi’s *Politics, Justice, and War: Christian*

Governance and the Ethics of Warfare, Georgetown University, Washington DC, March 2016

Presentation, “How Could They Do That? Moral Psychology and Unethical Behavior,” U.S. Naval Academy, February 2016

Organizer and Moderator, Screening and Discussion of *The Law in These Parts*, Georgetown Law Center, Washington DC, January 2016

Organizer and Moderator, *Economic Inequality: Causes, Consequences, and Responses*, Georgetown Law Center, Washington DC, December 2015

Presentation, “The U.S. Targeted Killing Program: Unlawful Executions or Lawful Combat?” Australian National University and International Committee of the Red Cross, Canberra, Australia, June 2015

Presentation, “Money and Meaning: The Moral Economy of Law Firm Compensation,” Australian National University Law School, Canberra, Australia, May 2015

Presentation, “The Rise and Fall of Punishment in Just War Theory,” McCain Conference, Stockdale Center for Ethical Leadership, U.S. Naval Academy, April 2015

Presentation, “Ethical Theory from the Bottom Up,” International Legal Ethics Conference, London, UK, July 2014

Presentation, “Legal Services and Access to Justice,” Aspen Institute, Washington, DC, January 2014

Presentation, “Leadership, Decision-Making, and Cognitive Biases,” University of Virginia Law School Symposium on Teaching National Security Law, Charlottesville, VA, October 2013

Presentation and Moderator, “The Changing Shape of the Legal Services Market,” Association for Continuing Legal Education, Baltimore, MD, August 2013

Presentation, “Gendered Pathways: Choice, Constraint, and Women’s Job Movement in the Legal Profession,” American Bar Foundation Symposium on Diversity in the Legal Profession, Chicago, May 2013

Presentation, “Nested Ethics: A Tale of Two Cultures,” Hofstra Law School Symposium on The Ethical Infrastructure and Culture of Law Firms, Hempstead, NY, April 2013

“Risk Management and Organizational Culture,” Hildebrandt Law Firm Chief Operating Officers Conference, New York, October 2012

Presentation, “Money and Meaning: The Moral Economy of Law Firm Compensation,” “University of St. Thomas Law School Symposium on Empirical Legal Ethics, Minneapolis, MN, September 2012

“Entrepreneurs and Eggshells: Organizational Culture in the Modern Law Firm,” Harvard Law School Seminar on the Legal Profession, Cambridge, MA, March 2012

Workshop Organizer and Panel Moderator, “The Future of the Legal Profession and Legal Education: Changes in Law Practice, Implications for Legal Education”, AALS Annual Meeting, Washington, D.C., January 2012

“The Law Firm Business Model: Traditional Elements and Emerging Strains,” Instituto de Empresa Law School Lawyers Management Program, Madrid, Spain, February 2012.

“Tacit Knowledge, Explicit Knowledge, and the Segmentation of Legal Work,” Law Firm Leaders Forum, New York, N.Y., November 2011

Panel Organizer and Moderator, Moral Reasoning: Insights from Neuroscience and Cognitive Psychology, International Legal Ethics Conference, Stanford Law School, July 2010

Panel Organizer and Moderator, Organizational Behavior and Social Psychology, International Legal Ethics Conference, Stanford Law School, July 2010

“Legal Counseling and Conflicted Citizens: The Moral Ambivalence of Tax Law,” Conference on *Lawyers in Practice: Ethical Decision-Making in Context*, Buffalo, NY, April 2010

Presentation, Pro Bono Institute, “Ethics: Conflicts of Interest and Pro Bono,” Washington, DC, March 2010

Discussion Leader, American Bar Association & Georgetown Center for the Study of the Legal Profession conference for the Conference of Chief Justices, “The Future Is Here: Globalization and the Regulation of the Legal Profession,” Chicago, May 2009

Presentation, Law & Society Annual Meeting, “Advocates, Gatekeepers, and Professional Regulation: The Fitful Evolution of Tax Practice,” Denver, CO, May 2009

Presentation, University of Melbourne Law School, Melbourne, Australia, “Legal Counseling and Conflicted Citizens: The Case of Tax Practice,” March 2009

Presentation, “Taxes and Death: The Rise and Demise of an American Law Firm,” Legal Practitioners’ Liability Committee Risk Summit, Sydney, Australia, March 2009

Presentation, “Tax Shelter Enforcement Activity in the United States,” Tax Section, Victoria Bar Association, Melbourne, Australia, March 2009

Presentation, “Emerging Law Firm Organizational Models,” Law Firm Leaders Forum, Hildebrandt International and Orrick, San Francisco, March 2009

Inaugural John Hart Ely Lecture, "Legal Counseling and Conflicted Citizens: The Case of Tax Practice," Yale Law School, February 2009

Presentation, Law Firm General Counsel Forum: The New Paradigm in Risk Management, "Ethical Issues in Multijurisdictional Practice," New York, November 2008

Moderator, "Senior Practitioners' Perspectives on the Emerging Global Lawyer," Georgetown University Center for Transnational Legal Studies, London, October 2008

Presentation, Said Business School, University of Oxford, "Taxes and Death: The Rise and Demise of an American Law Firm," October 2008

Co-Coordinator and Panel Moderator, "Corporate Social Responsibility: Law, Operations, and Strategy," Georgetown University Law Center and McDonough School of Business, Georgetown University, Washington, DC, November 2008

PLI Webcast (with John Villa & Aaron Hoffman), "Subprime Mortgage Litigation: Where Are the Hot Spots for Lawyers?" June 2008

Presentation, "Lawyers, Symbols, and Money: Outside Investment in Law Firms," Fordham Legal Ethics Roundtable, New York, June 2008

Presentation, "Taxes and Death: The Rise and Demise of Jenkins & Gilchrist," Law & Society Annual Meeting, Montreal, May 2008

Moderator, "Large Law Firms: Macroeconomic Trends," Law & Society Annual Meeting, Montreal, May 2008

Moderator and Coordinator, "Outside Investment in Law Firms: Developments in Australia and the United Kingdom," Association of Professional Responsibility Lawyers, Amsterdam, May 2008

Moderator and Coordinator, "New Structures for Regulating the Legal Profession," Association of Professional Responsibility Lawyers, Amsterdam, May 2008

Moderator and Coordinator, "Symposium: The Future of the Global Law Firm," Georgetown University Law Center, Center for the Study of the Legal Profession, Washington, D.C., April, 2008

Presentation, Practising Law Institute, "Ethics in Negotiations," New York, NY, March 2008

Panelist, Symposium, "Corporate Compliance: The Role of Company Counsel," *Georgetown Journal of Legal Ethics*, Washington, D.C., October 2007

Moderator, Ethics Program, Association of General Counsel Annual Meeting, Chicago, Illinois, October 2007

Panelist, “Enron,” Attorneys’ Liability Assurance Society Annual General Meeting, Southampton, Bermuda, June 2007

Presentation, “Are They Just Bad Apples? Ethical Behavior in Organizational Settings,” American Bar Association Conference on Professional Responsibility, Chicago, Illinois, May 2007

Moderator, Ethics Panel, Corporate Counsel Institute, Washington, D.C., March 2007

Presentation, “Ethics in Federal Practice,” Practising Law Institute, New York, NY, March 2007

Presentation, “Corporate Compliance Programs: Lessons for Law Firms,” Hildebrandt International, Law Firm General Counsel Roundtable, Houston, TX, January 2007

Presentation, “Moral Intuitions and Organizational Culture,” Annual Meeting, Association of American Law Schools, Professional Responsibility Section, Washington, D.C., January 2007

Presentation, “Law Firm Ethics and Risk Management,” Hinshaw Culbertson, New York, NY, October 2006

Presentation, *Eat What You Kill: The Fall of a Wall Street Lawyer*, Association of Professional Responsibility Lawyers, Los Angeles, CA, August 2006

Presentation, “The Evolution of the Large Law Firm,” Law and Society Association, Baltimore, MD, July 2006

PROFESSIONAL MEMBERSHIPS AND AWARDS

Member, District of Columbia Bar; American Bar Association Center for Professional Responsibility, Section of Business Law, Section of Law Practice Management

Board Member, American Bar Association Business and Human Rights Project Advisory Board, American Bar Association Center for Human Rights

Editorial Board, *Journal of National Security Law and Policy*

Editorial Board Member, *Journal of Professions and Organization*, Oxford University

Editorial Board Member, *The Ethical Business Lawyer* (American Bar Association)

Faculty Advisor, *Georgetown Journal of Legal Ethics*

Flegal Teaching Award, Georgetown University Law Center, Spring 2000

EDUCATION

J.D., *magna cum laude*, Georgetown University Law Center, 1985

Articles Editor, *Georgetown Law Journal*.

Corpus Juris Secundum Award, Best *Law Journal* Note, 1984-1985

American Jurisprudence Book Award for Best Examination: Evidence, Commercial Law, Corporations, Labor Law, and Constitutional Law (Federal System)

M.A., Urban Planning and Public Policy, University of California, Los Angeles, 1978

Dean's Academic Excellence Award (Outstanding Graduating Student)

B.A., *cum laude*, Political Science, University of Houston, 1976

Political Science Honor Society; Dean's List