

## Peter M. Gerhart

John Homer Kapp Professor of Law  
Case Western Reserve University School of Law  
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### Education

1971 J.D. Columbia University School of Law  
Honors: Kent Scholar, 1970-71  
Teaching Fellow in Property, 1970-71

1967 B.A. Northwestern University  
Major: Economics  
Honors: Honors Seminar in Economics

### Academic Administrator

Interim President, Lake Erie College, August 1, 2015 – June 1, 2016, 391 West Washington Street, Painesville Ohio 44077, 440 375-7200

#### Principal Accomplishments

Led faculty and staff in a process to define Lake Erie College's significant educational philosophy, resulting in the Empowerment Curriculum. This program emphasizes the four ways in which Lake Erie College, through its particularized education, empowers students to lead lives of significance: self-evaluation and understanding, personal capacity for flexibility and resilience in the face of change, ability to be other-regarding, and creative problem solving.

Raised the sense of purpose and hope on campus among faculty and staff, overcoming years of top-down mismanagement and enabling innovative and risk-taking approaches to education.

Worked with the Vice-President for Academic Affairs to develop and implement a culture of collaborative planning.

Developed and implemented strategic plan to reconcile divisions between student athletes and student scholars.

Designed and began to implement an alumni relations plan founded on the idea that alumni can contribute to all areas of institutional growth, not just funding.

Developed plans to allow Lake Erie College to play a leadership role in the economic and social growth of Lake and Geauga counties and designed institutions to advance those plans.

Dean, Case Western Reserve University School of Law, 1986 – 1996

**Program Development**

Frederick K. Cox International Law Center  
Assembly on the Future of the Legal Profession  
Milton A. Kramer Law Clinic  
Co-Dean of Mandel Center for Non-Profit Organizations  
Developed Perspective Courses in First Year

**Fundraising**

\$26 million Campaign for Case (against a \$15 million goal)

**Faculty Recruiting**

Wendy Wagner (now University of Texas)  
Andrew Morris (now Dean, Texas A & M University)  
Rebecca Dresser (now Washington University College of Law)  
Hiram Chodosh (now President, Claremont McKenna University)

Led \$7 million building expansion

Interim Dean, Ohio State University College of Law: 1983 (following dean's unexpected leave)  
Associate Dean for Academic Affairs, Ohio State University College of Law: 1983 – 1986

**Law Professor**

1986 –present Case Western Reserve University School of Law

Courses: Torts, Property, International Trade and Development, International Intellectual Property, International Business Transactions, Jurisprudence, Seminar in International Law Research, Antitrust.

**Unpublished Teaching Materials:**

An Introduction to Justificatory Analysis (2007) (analysis of determinants of law)  
Cases and Material on International Economic Regulation (2002)  
International Intellectual Property (various editions through 2004)  
Property: Our Social Institution (2012) (teaching materials for Property course)

1975 – 1986 The Ohio State University School of Law

Promoted to Associate Professor 1978

Promoted to Full Professor, Tenured 1981

Courses: Antitrust, Regulated Industries, Unfair Trade Practices, Administrative Law, Consumer Law

**Unpublished Teaching Material:**

Public Utility Regulation (1982)

Visiting Professor

University of Texas, 2012-2013

Courses: Property; Contracts (to LL.M students)  
Georgetown University Law Center, June – December 1979  
Courses: Antitrust, Administrative Law  
Central European University, two week module, 2002 – 2005  
Course: International Intellectual Property

Visiting Scholar, Cambridge University, August-December, 1996, Center on European Union

### **Social Policy Professor**

1999 – 2009: Professor, Weatherhead School of Management, Case Western Reserve University, faculty for Executive Doctorate in Management (secondary appointment).

Course: Global Economic Issues and Institutions  
Curriculum Development: I entered the program after its initial design, but have been involved in the program's evolution and development. In particular, I have worked with faculty to develop the problem-solving, transdisciplinary approach to public policy that is at the core of the EDM Program, including both course development and working with affinity groups of students whose research revolves around theories of collective action, markets and government.  
Theories explored: Agency, Collective Action, Institutions, Norms, Distributive Justice, Market Failure, Political Economy, and Altruism.

2014 – 2015: Law and Social Change: Undergraduate SAGES seminar at Case Western Reserve

### **Practicing Lawyer**

1971-1975 Associate, Weil Gotshal & Manges; New York, New York  
Summer 1969 Staff Member, ABA Committee to Study the Federal Trade Commission

### **Publications**

#### **Books**

- **Tort Law and Social Morality (Cambridge University Press 2010)**
- **Property Law and Social Morality (Cambridge University Press 2014)**

#### **Books Under Contract**

- **Property Law: A Values Driven Approach (with Pappas and Richardson) West Publishing Company 2020).**
- **Projected: Contract Law and Social Morality (Cambridge University Press 2020) (manuscript submitted).**

#### **Book Conferences Featuring My Books**

- **Association of Law, Property, and Society, Vancouver, British Columbia, May 2014**
  - **Discussants: Professors Larissa Katz, Joseph Singer and Laura Underkuffler**
- **Conference on Property Law and Social Morality, Texas A&M Law School, October 24, 2014. Discussants: Kristen Barnes, Eric Claeys, David Fagundes, Blake Hudson, Kali Murray, Christopher Serkin, and Laura Underkuffler**

## Articles & Book Chapters.

- *The Social Costs of Regulatory Takings*, 70 Mercer L. Rev. 497 (2019).
- *Afterward: Property's Form and Function*, in Leon Duguit and The Social Obligation Norm in Property (Paul Babie and Jessica Viven Wilksch, eds. (Springer 2019).
- *Efficient Contextualism*, 76 U. Pitt L. REV. 509 (2015) (with Juliet Kostritsky)
- *Property as a Social Good*, 2 TEXAS A & M J. REAL PROP L. 313 (2015).
- *Recognizing Shared Ownership of Subsurface Resource Pools*, 64 CASE W. RES. L. REV. 1041 (2012)
- *The Death of Strict Liability*, 56 BUFF. L. REV. 101 (2008)
- *The Tragedy of TRIPS*, 2007 MICH. ST. L. REV. 143 (2007)
- *Power and Preferences: Developing Countries and the Role of the Appellate Body*, 30 N. C. J. INT. L. AND COMM. (2005) (with Archana Seema Kella)
- *Distributive Values and Institutional Design for the Global Commons*, in Keith E. Maskus and Jerome H. Reichman (ed.), INTERNATIONAL PUBLIC GOODS AND TRANSFER OF TECHNOLOGY UNDER A GLOBALIZED INTELLECTUAL PROPERTY REGIME (Cambridge University Press 2004)
- *The World Trade Organization and Participatory Democracy: The Historical Evidence*, 37 VAND. J. TRANSNAT'L. L. 897 (2004)
- *Understanding National Treatment: The Participatory Vision of the WTO* (with Michael Barron), 14 IND. J. INT. & COMP. L. 505 (2004)
- *The Two Constitutional Visions of the World Trade Organization*, 24 U. PA. J. INT'L ECON. L. 1 (2003)
- *Slow Transformations: The WTO As a Distributive Organization*, 17 AM. U. INT'L L. REV. 5 (2002)
- *The Sales Convention in Courts: Uniformity, Adaptability, and Adoptability*, in Peter Sarcevic and Paul Volken (ed.), INTERNATIONAL SALE OF GOODS REVISITED , Kluwer Law International (2001)
- *Reflections: Beyond Compliance Theory – TRIPS As a Substantive Issue*, 32 CASE W. RES. J. OF INT'L LAW 357 (2000)
- *Why Lawmaking for Global Intellectual Property Is Unbalanced*, 22 EUROPEAN INT'L, PROP. R. 309 (2000)
- *The Trade Agreements Act of 1979: A Review of Decisions*, 10 Fed. R. Dec. 576 (1983)
- *The Supreme Court and Antitrust Analysis: The Near Triumph of the Chicago School*, 1982 SUP. CT. REV. 316 (1983)
- *The Competitive Advantages Explanation for Interbrand Restraints: An Antitrust Analysis*, 1981 DUKE L. J. 417 (June 1981)
- *Constitutional Limits on State Regulatory and Protectionist Policies*, 48 ANTITRUST L.J. 1351 (1980)

## Empirical Research

- Report on the Empirical Case Studies Project to the National Commission for the Review of Antitrust Law and Procedure, Govt. Printing Office (Stk. No. 040-000-00401-7, January 1979)
- *Judicial Review of Customs Service Actions*, 9 LAW AND POLICY IN INT. BUSINESS, 1101 (1978) (a revised version of a report to the Administrative Conference of the United States)

**References: Available on Request**