

## **Richard Warner**

### **Work Address**

Chicago-Kent College of Law  
565 West Adams Street  
Chicago, IL 60661

### **EDUCATION**

#### **University of Southern California**

J.D., May, 1989. Order of the Coif; Law Review

#### **University of California, Berkeley**

Ph.D. (Philosophy), 1976

Honors, Qualifying Examination, 1971; Sutton Memorial Fellow, Berkeley, 1973-74

Thesis: "Propositions: Formal Semantics for Belief with Applications to Computer Models of Language Use"

#### **Stanford University**

B. A. (English), 1968

Graduated With Distinction; Phi Beta Kappa

### **EMPLOYMENT**

#### **Illinois Institute of Technology, Chicago-Kent College of Law**

Professor of Law, Norman and Edna Freehling Scholar, 2002-present

Associate Professor of Law, 1997-2002

Assistant Professor of Law, 1990-1997

#### **Catholic University of Lublin, Poland**

Professor and Chair, Chair of American Law, Faculty of Law, 2001- 2005

Director, Center for American Law, 2009 – present

#### **University of Gdańsk, Poland**

Visiting Foreign Professor, Director, School of American Law, Faculty of Law, 2006 – present

#### **Director, School of American Law**

Branches in Azerbaijan, Georgia, Greece, Poland, Ukraine

#### **University of Southern California**

Lecturer, School of Philosophy, University of Southern California, 1986-1989  
(taught half-time while in law school)

Assistant Professor, School of Philosophy, University of Southern California, 1982-1986

### **University of Pennsylvania**

Assistant Professor, Department of Philosophy, University of Pennsylvania, 1977-82;  
 secondary appointment as Assistant Professor, Department of Oral Medicine,  
 School of Dental Medicine, 1978-1982  
 Lecturer, Department of Philosophy, University of Pennsylvania, 1975-77

### **Visiting Appointments**

Visiting Assistant Professor, Philosophy Department, University of California, Los Angeles, 1/75-3/75  
 Visiting Assistant Professor, Philosophy Department, University of Illinois, Chicago, 9/92-12/92  
 Visiting Assistant Professor, Law School, University of Southern California, 8/94 - 5/95

### **Non-Academic Employment**

Research Attorney, Los Angeles Superior Court, June 1, 1989-June 30, 1990  
 Partner, SWC Law, Warsaw Poland, 2013 – present

### **Honors and Awards**

Friend of the City of Lublin, Poland  
 Friend of Poland, Awarded by the Polish Ambassador in Chicago  
 Lexis/Nexis Award for innovations in the use computers and online resources in teaching

### **Grants**

Principal investigator for "Using Education to Combat White Collar Crime," a U.S. State Department grant devoted to combating money laundering in Ukraine from 2000 to 2006  
 Consultant, Privacy with Respect to Private Corporations in the 21st Century: Legal and Computer Security Issues, National Science Foundation, University of Illinois, 2009 - 2011  
 Consultant, Electronic Security and Privacy, Integrative Graduation Education and Research Traineeship Program, National Science Foundation, Computer Science Department, University of Illinois, 2011 – 2016  
 Consultant, Designing and Evaluating a CS + Law Introduction to Computer Science, University of Illinois, 2016 – 2019

### **Miscellaneous**

Member, Secret Service Chicago Electronic and Financial Crimes Task Force

### **Publications**

### **Books**

MORALITY IN MEDICINE, Alfred, 1980.

ETHICAL ISSUES OF INFORMED CONSENT IN DENTISTRY, Quintessence International, 1980  
(with Herman Segal, D.D.S., second author)

FREEDOM, ENJOYMENT, AND HAPPINESS: AN ESSAY ON MORAL PSYCHOLOGY, Cornell  
University Press, 1987

UNAUTHORIZED ACCESS: THE CRISIS IN ONLINE PRIVACY AND INFORMATION SECURITY,  
Chapman and Hall/CRC, 2013 (with Robert Sloan)

WHY DON'T WE DEFEND BETTER? DATA BREACHES, RISK MANAGEMENT, AND PUBLIC POLICY  
(with Robert Sloan), CRC Press Focus, forthcoming 2018

ENJOYMENT, BEAUTY, AND ART, in progress (with Sean Stidd and Steven Wagner).

### **Books Edited**

PHILOSOPHICAL GROUNDS OF RATIONALITY: INTENTIONS, CATEGORIES, ENDS, Oxford  
University Press, 1986 (with Richard Grandy)

NATURALISM: A CRITICAL APPRAISAL, with Steven Wagner, co-editor, Notre Dame  
University Press, 1993

THE MIND-BODY PROBLEM, with Tadeusz Szubka, Blackwell, 1994

PAUL GRICE, ASPECTS OF REASON, Oxford University Press, 2002

RICHARD WARNER, MACEIJ BARCZEWSKI, MICHAŁ MIŁOSZ (EDS.), HI-TECH LAW, University of  
Gdańsk, 2006

RICHARD WARNER, GRAEME DINWOODIE, HAROLD KRENT, MARGARET STEWART (EDS.), E-  
COMMERCE LAW: CASES AND COMMENTS, West Publishing 2006

RICHARD WARNER, MACEIJ BARCZEWSKI, MICHAŁ MIŁOSZ (EDS.), WHEN WORLDS COLLIDE:  
INTELLECTUAL PROPERTY, HIGH TECHNOLOGY, AND THE LAW, Kluwer 2008.

### **Articles** (in law reviews and related publications)

*Three Theories of Legal Reasoning*, 62 So. CALIF. LAW REVIEW 1523 (1989)

*Liberalism and the Criminal Law*, 1 So. Calif. Interdisciplinary Law Journal (1992)

*Incommensurability as a Jurisprudential Puzzle*, 68 CHICAGO-KENT LAW REVIEW 147  
(1993)

*Why Pragmatism? The Puzzling Place of Pragmatism in Critical Theory*, 1993  
UNIVERSITY OF ILLINOIS LAW REVIEW 535 (1993)

*Coordination By Default*, 3 SO. CALIF. INTERDISCIPLINARY LAW JOURNAL 209 (1994)

*Excluding Reasons: Impossible Comparisons and the Law*, 15 OXFORD JOURNAL OF LEGAL STUDIES 431 (1995)

*Impossible Comparisons and Rational Choice Theory*, 68 SOUTHERN CALIFORNIA LAW REVIEW 1705 (1995)

*Legal Pragmatism*, in COMPANION TO THE PHILOSOPHY OF LAW AND LEGAL THEORY, Blackwell, 385 - 396 (1996)

*Does Incommensurability Matter?*, 146 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1287 (1998)

*Digital Signature Statutes: Why Have Them, How To Write Them*, in (Ryszrd Skubisz, ed.), INTERNET – PROBLEMY PRAWNE 133 (wydawnictwo Polihymnia, Lublin 1999)

*Legal Argumentation, The Philosophy of Law: An Encyclopedia*, Garland Reference Library of the Humanities, Vol. 1743, 1999.

*Roscoe Pound*, JOHN GARRATY AND MIARK CARNES (EDS), AMERICAN NATIONAL BIOGRAPHY, OXFORD UNIVERSITY PRESS, 1999 (web publication, 2000), Vol. 17, pp. 760 - 763.

*Web Contracting*, in (Ryszrd Skubisz, ed.), INTERNET 2000: PRAWO, EKONOMIA, KULTURA 125 (Oficina Wydawnicza, Lublin 1999)

*The Impact of the Internet on the Practice of Law*, RUTGERS LAW RECORD, 2000

*The Negotiation of the Social Contract for the Digital Age*, in Aresty and Skillen (eds.), ABA GUIDE TO INTERNATIONAL BUSINESS NEGOTIATIONS, August 2000

*Border Disputes: Trespass to Chattels on the Internet*, 47 VILLANOVA LAW REVIEW (2002).

*Pragmatism and Legal Reasoning*, in Urzula Zeglen and James Conant (eds), HILARY PUTNAM: PRAGMATISM AND REALISM, Routledge (2002)

*Ethical Considerations in Practicing Law Online*, in Michael Simon & Andre Friedan (eds.), INTERNET AND E-COMMERCE LAW, IICLE (2002)

*Internet Law*, ENCYCLOPEDIA OF INTERNATIONAL MEDIA AND COMMUNICATIONS, Academic Press, 2003

*Spam and Beyond: Freedom, Efficiency, and the Regulation of E-mail Advertising*, 22 J. MARSHALL J. COMPUTER & INFO. LAW 141 (2004).

*Rights, Rationality, and the Preemption of Reasons*, 79 CHI.-KENT L. REV. 1091 (2004).

*Adjudication*, in THE PHILOSOPHY OF LAW AND LEGAL THEORY (M. Goldberg and W. Edmundson eds, Blackwell Press 2004).

*Surveillance and The Self: Privacy, Identity, And Technology*, De Paul University Law Review, 54 DE PAUL LAW REVIEW 847 (2005)

*Shrinkwrap and Clickwrap Contracts: Autonomy, Contract-As-Consent, and Contract-As-Product*, in RICHARD WARNER, MACEIJ BARCZEWSKI, MICHAŁ MIŁOSZ (EDS.), HI-TECH LAW, University of Gdańsk (2006)

*Empathy and Compassion*, 9 Minnesota Journal of Law, Science, and Technology 813 (2008)

*The Employer's New Weapon: Employee Liability Under the Computer Fraud and Abuse Act*, 12 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 11 (2008)

*The Hidden Revolution: Privacy, Price Discrimination, and the Internet*, in RICHARD WARNER, MACEIJ BARCZEWSKI, MICHAŁ MIŁOSZ (EDS.), WHEN WORLDS COLLIDE: INTELLECTUAL PROPERTY, HIGH TECHNOLOGY, AND THE LAW, Kluwer (2008)

*Turned On Its Head?: Norms, Freedom, and Acceptable Terms in Internet Contracting* 11 TULANE JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 1 (2008)

*Legal Pragmatism*, in Dennis Patterson (ed.), COMPANION TO THE PHILOSOPHY OF LAW AND LEGAL THEORY, Blackwell, second edition, 2009

*Reinventing Law in Cyberspace: A Social Contract for the Digital Age and International Business Negotiations*, with Jeffery Aresty, in Silkenat, Aresty, and Klosek, (eds.), ABA GUIDE TO INTERNATIONAL BUSINESS NEGOTIATIONS, 2009.

*Turned On Its Head?: Norms, Freedom, and Acceptable Terms in Internet Contracting*, 14 JOURNAL OF INTERNET LAW 18 (2010), revised version, originally published in 11 TULANE JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 1 (2008).

*Developing Foundations for Accountability Systems: Informational Norms and Context-Sensitive Judgments*, WORKSHOP ON GOVERNANCE OF TECHNOLOGY, INFORMATION, AND POLICIES, PROCEEDINGS OF THE 2010 ANNUAL COMPUTER SECURITY APPLICATIONS CONFERENCE, co-authored with Robert Sloan.

*Norms Undermined: The Corrosive Effect of Information Processing Technology on Informational Privacy*, 55 SAINT LEWIS UNIVERSITY LAW JOURNAL 1047 (2011).

*Legal Concepts of Privacy Meet Technology: A 50-State Survey*, WORKSHOP ON GOVERNANCE OF TECHNOLOGY, INFORMATION, AND POLICIES, PROCEEDINGS OF THE 2011

ANNUAL COMPUTER SECURITY APPLICATIONS CONFERENCE, co-authored with Miriam Russom and Robert Sloan.

*The Undermining Impact of Information Processing on Informational Privacy*, in JUSTYNA BALCARCZYK (ED.), RIGHTS OF PERSONALITY IN THE XXI CENTURY, Wolters-Kluwer, 2012, co-authored with Robert Sloan.

*Local or Global?: Morals from Federal Preemption Doctrine*, KATARZYA MACHOWSKA (ED.), FEDERALISM OR UNITARY SYSTEM? DETERMINANTS, EFFECTS, AND THE INFLUENCE ON THE LEGAL REGULATION OF STATES, Catholic University of Lublin, 2012.

*Vulnerable Software: Product-Risk Norms and the Problem of Unauthorized Access*, co-authored with Robert Sloan, 2012 UNIVERSITY OF ILLINOIS JOURNAL OF TECHNOLOGY, LAW, AND POLICY, 101 (2012).

*Behavioral Advertising: From One-Sided Chicken to Informational Norms*, with Robert Sloan, 15 VANDERBILT ENTERTAINMENT AND TECHNOLOGY LAW JOURNAL 49 (2013).

*Big Data and the "New" Privacy Tradeoff*, with Robert Sloan, BIG DATA AND PRIVACY: WORKSHOP PROCEEDINGS, Future of Privacy Forum, <http://www.futureofprivacy.org/big-data-privacy-workshop-paper-collection> (2013).

*Beyond Notice and Choice: Privacy, Norms, and Consent*, with Robert Sloan, 14 SUFFOLK UNIVERSITY JOURNAL OF HIGH TECHNOLOGY LAW 370 (2014).

*Self, Privacy, and Power: Is It All Over?*, with Robert Sloan, 17 TULANE JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 61 (2014).

*The Harm in Merely Knowing: Privacy, Complicity, Surveillance, and the Self*, with Robert Sloan, 19 THE JOURNAL OF INTERNET LAW 3 (2015).

*The Self, the Stasi, and the NSA: Privacy, Knowledge, Complicity in the Surveillance State*, with Robert Sloan, 17 MINNESOTA JOURNAL OF LAW, SCIENCE, AND TECHNOLOGY 347 (2016).

*I'll See: How Surveillance Undermines Privacy By Eroding Trust*, with Robert Sloan, 32 SANTA CLARA COMPUTER AND HIGH TECHNOLOGY LAW JOURNAL 221 (2016).

*Comparison Excluding Commitments: Incommensurability, Adjudication, and the Unnoticed Example of Trade Disputes*, with Sungjoon Cho 26 SO. CALIF. LAW REVIEW 1 (2016).

*Relational Privacy: Surveillance, Common Knowledge, and Coordination*, with Robert Sloan, 11 THE UNIVERSITY OF ST. THOMAS JOURNAL OF LAW & PUBLIC POLICY 1 (2017).

*Initial Experiences with a CS + Law Introduction to Computer Science (CS 1)*, PROCEEDINGS OF THE 22ND ANNUAL CONFERENCE ON INNOVATION AND TECHNOLOGY IN

COMPUTER SCIENCE EDUCATION, 2017.

*Defending Our Data*, in Maciej Barczewski (ed.), INFORMATION AND VALUE: INTELLECTUAL PROPERTY, PRIVACY, AND BIG DATA, Peter Luck Publishing, forthcoming 2018.

*Coordinating Meaning: Contractual Promises, Common Knowledge and Coordination in Speaker Meaning*, in ALESSANDRO CAPONE (ED.), FURTHER ADVANCES IN PRAGMATICS AND PHILOSOPHY, Springer (2018).

*Indirect Reports and the Law*, in ALESSANDRO CAPONE (ED.), INDIRECT REPORTS, PRAGMATICS, AND THE LAW, Springer, forthcoming.

*A Reply to "I hope you will let Flynn go,"* in ALESSANDRO CAPONE (ED.), INDIRECT REPORTS, PRAGMATICS, AND THE LAW, Springer, forthcoming.

*The Ethics of the Algorithm: Autonomous Systems and the Wrapper of Human Control*, with Robert Sloan, 48 CUMBERLAND LAW REVIEW 101 (2018)

*How Much Should We Spend to Protect Privacy?: The Need for Information We Do Not Have*, with Robert Sloan, \_\_\_ JOURNAL OF LAW, ECONOMICS, AND POLICY \_\_\_ (2018)

*Domain Names*, in Maciej Barczewski (ed.) ENCYCLOPEDIA OF INTELLECTUAL PROPERTY, University of Gdańsk, forthcoming

*When Is an Algorithm Transparent?: Predictive Analytics, Privacy, and Public Policy*, with Robert Sloan, IEEE Security & Privacy, 2018.

*Meaning, Reasoning, and the Centrality of Common Knowledge*, in ALESSANDRO CAPONE (ED.), PRAGMATICS AND PHILOSOPHY, Volume 2, Mouton De Gruyter, forthcoming.

### **Articles** (philosophical)

On Computers and Model-Theoretic Semantics, REVUE INTERNATIONALE DE PHILOSOPHIE, 1976, fasc. 2-4, 331-49

*Enjoyment*, THE PHILOSOPHICAL REVIEW, October 1980, 507-26

*Davis on Enjoyment: A reply*, MIND, October 1983, 568-72

*Grice on Happiness*, in PHILOSOPHICAL GROUNDS OF RATIONALITY, 1986

*Paul Grice: A View of his Work*, in PHILOSOPHICAL GROUNDS OF RATIONALITY, 1986 (with Richard Grandy)

*A Challenge to Physicalism*, AUSTRALASIAN JOURNAL OF PHILOSOPHY, September 1986, 249-65

*Why Is Logic A Priori?*, *THE MONIST*, January 1989, Vol. 72, No. 1, pp. 40-51,

*Reply to Baker and Grandy*, JOURNAL OF PHILOSOPHY, vol. 86, No. 10 :528-529, 1989.

*Incorrigibility*, in Howard Robinson (ed.) OBJECTIONS TO PHYSICALISM, Oxford University Press, 1993

*Is The Body A Physical Object?*, in *NATURALISM: A CRITICAL APPRAISAL*, 1993

*Naturalism and its Critics*, (with Steven Wagner) in *NATURALISM: A CRITICAL APPRAISAL*, 1993; republished in German as *Natualismus – enine kritische Würdigung*, in Goebel, Hauk, Kruip (eds.), PROBLEME DES NATURALISMUS, Mentis, 2005.

*Defending Dualism*, Krzysztof Gurba and Tadeusz Szubka (eds.), PROBLEM UMYSL-CIALO: NAJNOWSZE DYSKUSJE W FILOZOFII ANALITYCZNEJ.

*On the Philosophical Significance of the Body* (in Polish), ROCZNIKI FILOZOFICZNE 215 -232 1994.

*In Defense of a Dualism*, in THE MIND-BODY PROBLEM, Blackwell, 1994

*The Mind-Body Debate*, in THE MIND-BODY PROBLEM, Blackwell, 1994

*Paul Grice*, THE ENCYCLOPEDIA OF PHILOSOPHY (revised edition), (with Richard Grandy)

*Pleasure*, J. J. Chamblis (ed.) THE PHILOSOPHY OF EDUCATION: AN ENCYCLOPEDIA, Garland Publishing Co., 1995.

*Czy istnieje wiedza a priori?*, 4 PREZGLAD FILOZOFICZNY 5 (1995)

*Facing Ourselves: Incorrigibility and the Mind-Body Problem*, 3 JOURNAL OF CONSCIOUSNESS STUDIES 217 - 231 (1996); reprinted in JONATHAN SHEAR (ED.), EXPLAINING CONSCIOUSNESS: THE HARD PROBLEM (Bradford Books, 1997).

*Grice on Reasons and Reasoning*, in RICHARD WARNER, ED., ASPECTS OF REASON, Oxford University Press, May, 2002.

*Austin, J. L.*, in Hugh LaFollette (ed.) WILEY-BLACKWELL'S INTERNATIONAL ENCYCLOPEDIA OF ETHICS, 2012.

*Paul Grice*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY, 2005 (with Richard Grandy), revised and updated 2013, 2017.



*Austin, J. L.*, in Hugh LaFollette (ed.) WILEY-BLACKWELL'S INTERNATIONAL ENCYCLOPEDIA OF ETHICS, 2012. Revised and updated 2019.

### **Articles** (on applied ethics)

*Informed Consent in Dentistry*, THE JOURNAL OF THE AMERICAN DENTAL ASSOCIATION, DECEMBER 1979, 957-58 (with Herman Segal, D.D.S.)

*Ethics and Dentistry*, QUINTESSENCE JOURNAL, APRIL 1981, 201-04 (with Herman Segal, D.D.S.) (reprint of the introduction to *Ethical Issues of Informed Consent in Dentistry*)

*Ethical Issues of Informed Consent in Dentistry*, QUINTESSENCE INTERNATIONAL 1982 (with Herman Segal, D.D.S.) (reprint of the introduction to *Ethical Issues of Informed Consent in Dentistry*)

*The Rationale for a Philosopher in a Dental School*, QUINTESSENCE INTERNATIONAL, MAY 1983, 1-5 (with Herman Segal, D.D.S.)

*Informed Consent: Theory and Practice*, THE COMPENDIUM, May/June 1983, 282-84

*The Legal and Moral Implications of Consent*, DENTISTRY 87, April 1987, 13-15

### **Articles about Teaching and Teaching Materials**

*Contracts Tutorials: Remedies*, CALI (1995)

*The Electronic First Year: Delivering Core Legal Education Electronically*, Conference Proceedings, 1995 CONFERENCE FOR LAW SCHOOL COMPUTING PROFESSIONALS, 185 (with Rosemary Shiels, co-author)

*Teaching Electronically: The Chicago-Kent Experiment*, 20 SEATTLE UNIVERSITY LAW REVIEW 383 (1996)

*Cruising the Electronic Classroom*, THE LAW TEACHER, Fall 1997, 4 (with Stephen Sowle)

*Teaching Law with Computers*, 24 RUTGERS COMPUTER AND TECHNOLOGY LAW JOURNAL 107 (1998) (with Stephen Sowle and William Sadler)

*Tutorials for Contracts*, Law Study Systems, Inc., [www.lawstudysystems.com](http://www.lawstudysystems.com) (2006).

### **Book Reviews**

Review Note, Christopher Cherniak, MINIMAL RATIONALITY, 98 ETHICS 419 (1988)

Review of S. I. Benn, A THEORY OF FREEDOM, PHILOSOPHICAL REVIEW, April 1992

Review of Steven Burton, JUDGING IN GOOD FAITH, 104 ETHICS 642 (1994)