

PROF. JAMES T. O'REILLY
UNIVERSITY OF CINCINNATI
COLLEGE OF LAW
P.O. BOX 210040
CINCINNATI, OHIO 45221-0040
513 556-0062
FAX 513 761-4009
JAMES.OREILLY@UC.EDU

CURRICULUM VITAE

EDUCATION

J.D. - University of Virginia, 1974
B.A. cum laude - Boston College, 1969

PROFESSIONAL EXPERIENCE

University of Cincinnati College of Law

Visiting Professor of Law, full time, 1998-2004
Volunteer Professor of Law, part time, 2004-date
Adjunct Professor of Law, part time, 1980-97

Since fall term 1980, I have taught administrative law, products liability, food and drug law, criminal law, labor law, public sector labor, and systems of regulation courses, and supervised independent student research; judged moot courts; and counseled for placement. I also lectured summer term 1987, Northern Kentucky University Chase College of Law, and presented guest lectures at law schools of Harvard, George Washington University, Case Western Reserve University, and American University.

The Procter & Gamble Company

Associate General Counsel, 1974-1998

As the Company's principal regulatory counsel, I worked closely with internal clients and with industry coalitions on EPA, FDA, regulatory agency and Congressional matters.

Ohio State Employment Relations Board

Arbitrator, 1984-1997

In more than 70 cases, I resolved complex contract disputes between colleges, cities, school boards, sheriffs, etc. and public employee unions, deciding certain cases with binding final orders.

National Arbitration Forum, Arbitrator for commercial cases, 2004-date

Candidate for Ohio Court of Appeals, 2006 election; unsuccessful but won 83,000 votes

PROFESSIONAL ROLES

2003-date	City Council, Wyoming Ohio, elected 2003, reelected 2005
2004-date	Assistant Chief Reporter, ABA Statement on European Union Administrative Law
1996-1997	Chair, Section of Administrative Law & Regulatory Practice, American Bar Association
2005-date	Co-editor, ABA Section of Litigation Product Liability Newsletter
1990-date	Volunteer Lawyers for the Poor, Cincinnati; nominated for Volunteer Lawyer of the Year 1998
1998-date	Legal Aid Society Board of Trustees & Capital Campaign
1996	Consultant, Congressional Office of Compliance, labor issues
1981 and 1990	Consultant, Administrative Conference of the U.S., FOIA & AIDS Drugs
2001-2	Consultant, U.S. Environmental Protection Agency, internet defamation
2002	Consultant to the Chairman, Federal Trade Commission, FTC procedure

ACTIVITIES

FDA Text Quoted as "Experts have written..." in U.S. Supreme Court decision, *FDA v Brown & Williamson*, 120 S.Ct. 1291, 1320 (2000)

Section Chair, ABA Administrative Law & Regulatory Practice Section 1996-97;
 Section Fellow, 1998-date; Chair, Government Information & Privacy 2000-date, Co-Chair FDA
 Committee, 2007-8, Vice Chair, Homeland Security Com., 2003-date, Chair, Publications 2002-5,
 Associate Editor, ABA Administrative Law Review (to 1997)
 Chairman 1993-7, Program Advisory Board, Food & Drug Law Institute
 Editorial Board, Food Drug & Cosmetic Law Journal 2007-date, 1981-88
 Publications Award, Food & Drug Law Institute, 2004
 ABA Section of Litigation, Products Liability Committee, Warnings Monograph Editor 2004-6
 Contributor to ABA SONREEL and Administrative Law Year in Review Books
 ABA Task Force on Application of Legislation to the Congress, 1993
 ABA AIDS Coordinating Committee, 1988-91
 Past ABA Activities: Council Member and Chairman, Membership, Admin. Law Section; Chairman, Food
 Drug & Cosmetic Law Committee, Business Law Section, 1987-91 and chairman of London and New York
 comm. meetings; Chairman, Consumer Product Regulation Committee, Ad. Law, 1987-90; Vice-Chairman,
 Committee on Federal Register, Reports and Paperwork 1988-9; Vice Chairman, Committee on Government
 Information 1988-90; member, Ad Hoc Committee on Regulatory Reform, Ad Hoc Committee on Tort
 Reform, Business Law Section; former chairman, Subcommittee D, Committee 206 (trade secret law),
 Section on Patent Law, recommended legislative proposal adopted at 1984 ABA Annual Meeting.
 Active Member, Sections on Legal Education, Labor, and Environmental Law, Litigation
 Presenter at 16 American Bar Association annual meetings and National Institute on Product Safety and
 National Institute on Homeland Security.
 International Bar Assn., Annual Meeting speaker, New York 1986, Paris 1995
 Former Senior Deputy Chairman, Federal Bar Association, Administrative Law Section
 Former Chairman, Coalition for Improved Environmental Audits
 Former State Activities Chair, Corporate Environmental Enforcement Council
 Judge of the Final Round, National Administrative Law Moot Court Competition & Natl. Products Liability
 Moot Court Competition
 Board of Directors, Legal Aid Society of Greater Cincinnati

PRESENTATIONS

Testimony, U.S. Senate, Hearings on Access to Data (1999), Regulatory Reform Act (1983) and Freedom of Information Act 1981 and 1983); U.S. House of Representatives, Hearings on Access to Data (1999); Chemical Safety (1987) and Freedom of Information Act (1981).
 Testimony, Ohio Legislature, various issues on environmental law
 Judicial Conference, U.S. Court of Appeals for Veterans Claims (2000)
 PBS Network "Make Peace With Nature" Environmental Series (1993)
 C-SPAN Administrative Conf. Forum, debated FDA Commissioner (1990)
 NIOSH Nanotechnology Symposium, keynote speaker (2006)
 International Municipal Law Assn., Annual Meeting speaker (2004)
 Natl. Assn. State Depts. Agriculture, Agricultural Biotech Conference, keynote speaker (2005)
 Invited Lecturer, Nationwide Video Satellite Teleconferences, EPA Superfund Title III (1987) and OSHA-PBS on Hazard Communication (1986) U.S. Invitee, International Conference on Access and Privacy, Ministry of Justice, Ottawa, Canada, 1986
 Keynote Speaker, Ohio State Emp. Rel. Board 10th Anniversary Panel (1993)
 International Assn. of Environmental Coordinators, Brussels, 1982

COMMUNITY ACTIVITIES

City Council, City of Wyoming, Ohio; Chair, Law Committee, 2003-date
 Trustee, Ohio-Kentucky-Indiana Regional Council of Governments, 2003-date
 Hamilton County Stormwater District Oversight Board, Alternate Member, 2004-5
 Community Emergency Response Team, Member 2004-date
 Chairman, Greater Cincinnati Chamber of Commerce, Environment, Health & Safety Committee 1991-93
 Member, Mayor's Infrastructure Commission, Cincinnati, 1987-88
 Public Representative, Hamilton County Solid Waste Public Advisory Committee, 2000-4
 Chairman, Advisory Committee on Emergency Chemical Response, Cincinnati Area, 1987;
 member, Local SARA Emergency Response Committee, 1987-1998
 Co-Chair, Pollution Prevention Work Group, Cincinnati Environmental Advisory Council, 1991-98
 Chair, City of Wyoming Solid Waste Commission, 1999-2001
 Awarded "Outstanding Civilian Contribution to the Fire Service 1987", SW Ohio Fire Assn.
 Member, Leadership Cincinnati, Class XI, 1987-88
 Member, FBI Citizens Academy, Class 2005
 Elected Chairman, Pastoral Council, Archdiocese of Cincinnati, 1981-84
 Elected to the Ohio Bishops Advisory Council, two terms, 1984-1990
 Cincinnati City Manager's Hazardous Materials Advisory Committee, 1987-8
 Board Member, Women Writing for a Change, 2006-date
 Secretary of Board, Out of the Crossfire Project, UC Trauma Surgery Dept., 2007-date
 Numerous political party offices, campaigns and leadership positions

PRE-PROFESSIONAL ROLES

State Parkway Police, New York, 1969-72 (interrupted by military draft)
 U.S. Army 1970-72 E-5
 Snowplow Driver, Aviation Clerk, Electrical maintenance, and miscellaneous jobs

PUBLICATIONS

Books:

- O'Reilly, *Food and Drug Administration*, West (1979-date, 2 vol. 3d Ed. 2007) [quoted and cited by U.S. Supreme Court, 1987 and 2000]
- O'Reilly, *Administrative Rulemaking: Structuring, Opposing, and Defending Federal Regulations* West (1983, 2d Ed. 2007)
- O'Reilly and Schmidt, *Gangs & Law Enforcement*, C.C. Thomas Pub. (2007)
- O'Reilly, *Federal Preemption of State & Local Powers*, ABA Press (2006)
- O'Reilly, *Ohio Personal Injury Practice*, West/Thomson (2006)
- O'Reilly, Ohio 2005 Tort Reform Legislation, Lexis/Bender (2005)
- O'Reilly, *Homeland Security Deskbook* (with Venable LLP), Lexis Bender (2004-date)
- O'Reilly, *Federal Information Disclosure*, West (3d Edition 2000; 1st ed. 1977, 2nd ed. 1990)
- O'Reilly, *Food Crisis Management Manual*, Food & Drug Law Institute (2002)
- O'Reilly et al. (General Editor), *Accident Prevention Manual*, National Safety Council (13th Ed. 2007-8, 12th Ed. 2000)
- O'Reilly, *Product Warnings, Defects & Hazards*, 2d Ed. Aspen (1999)
- O'Reilly, Hagan, Hedge and Gots, *Keeping Buildings Healthy: Indoor Environmental Health Issues*, John Wiley & Sons (1998)
- O'Reilly (booklet) *Congressional Office of Compliance - Your Rights and Responsibilities*, U.S. Congress (1996)
- O'Reilly, Hagan & DeLaCruz, *Environmental and Workplace Safety Guide for the University, Hospital and School Manager*, Van Nostrand (1996)
- O'Reilly, Luneburg et al., *Clean Air Permitting Manual*, McGraw-Hill /Shepards (1995)
- O'Reilly, *The Lawyer's Guide to Elder Injury and Accident Compensation*, ABA Press (2d Ed. 2004)
- O'Reilly, *United States Environmental Liability Risks*, Graham & Trotman, London, England (1994)
- O'Reilly, Kane & Norman, *RCRA and Superfund Practice Guide* 2d Ed., West (2 vol. 1993, 3d Ed. 2003)
- O'Reilly and Cody, *The ABA Products Liability Resource Manual*, ABA Press, Chicago (1993)
- O'Reilly, *Toxic Torts Practice Guide*, West (2d Ed., 2 vol. 1992)
- O'Reilly, *State & Local Government Solid Waste Management*, West (1991, 2d Ed. 2004)
- O'Reilly, *Ohio Public Employee Collective Bargaining*, Anderson (1984, 2d Edition 1992, Supp. 1997)
- O'Reilly and Cody, *Ohio Products Liability Manual*, Anderson (1992, 1997 Supp.)
- O'Reilly, *Administrative Rulemaking: Structuring, Opposing, and Defending Federal Regulations* West (1983)
- O'Reilly, *Unions' Rights to Company Information*, The Wharton School, University of Pennsylvania (1980, 2nd Edition 1987)
- O'Reilly, Gaynor, Carroll & Cronin, *Federal Regulation of the Chemical Industry*, McGraw-Hill/Shepards (1980).
- O'Reilly, *Complying with W.H.M.I.S.: U.S. Manufacturer's Guide to Canada's New Labeling Requirements*, Roytech Publications, Burlingame, CA (1989, 2d Ed. 1990)
- O'Reilly, Touby & Smith, *Environmental Litigation Deskbook*, Executive Ent. Pub. Co. N.Y. (1983)
- O'Reilly, *Protecting Trade Secrets Under SARA Title III*, Executive Ent. Pub. Co., New York (1989)
- O'Reilly, *Emergency Response to Chemical Accidents: Planning and Coordinating Solutions*, McGraw-Hill (1987)
- O'Reilly, *Protecting Workplace Secrets: Manager's Guide to Confidentiality and The Right to Know*, Executive Ent. Pub. Co., N. Y. (1985)
- Also, text chapters in:
Ernst (ed.), *Ohio Tort Law* (2006-date)

Ingle (ed.) , *Toxic Substances Control Act*, American Chemical Society, Washington (1983).
 Jacobs (ed.), *Association Issues*, Am. Soc. Assn. Execs, Wash.(1990)
 Milgrim (ed.), *Protecting and Profiting from Trade Secrets 1979*, Practising Law Institute, N. Y. (1979).
 ABA Coordinating Committee on AIDS, *AIDS: The Legal Issues* (1988)

Articles:

Pending: Cornell Law Review 2008, Food & Drug L.J. 2007, U. Pitt. J. Law & Pub. Health 2007
 10 Cornell J. Law & Public Policy 63, "Entrepreneurs and Regulators: Internet Technology, Agency Estoppel, and the Balance of Trust" (2000)
 11 Yale Jnl. on Regulation 43, "Environmental Racism, Site Cleanup and Inner City Jobs" (1994)
 31 Harvard J. Legislation 415, "Applying Federal Open Government Laws to Congress: An Explorative Analysis and Proposal" (1994)
 36 Harvard Intl. L.J. 425, "Stealth Caused by Sunshine: How Sunshine Act Interpretation Results in Less Information for the Public About the Decision-Making Process of the International Trade Commission" (with G. M. Berg, 1995)
 9 Harvard Env. L. Rev. 307, "Driving A Soft Bargain: Unions, Toxic Materials and Right to Know Legislation" (1985)
 18 U. Penn. J. Intl. Economic Law 617, "Stop the World, We Want Our Own Labels: Treaties, State Initiative Laws, and Federal Preemption" (1997)
 37 Vanderbilt L. Rev. 509, "Judicial Review of Agency Deregulation: Alternatives and Problems for the Courts" (1984)
 58 Admin.L.Rev. 829, "Jurisdiction to Decide An Agency's Own Jurisdiction" (2006)
 33 Capital U. L. Rev. 529, "Tort Reform and Term Limits: The 2004 Ohio Experience" (2005)
 59 Food & Drug L.J., "Are We Cutting the GRAS? Food Safety Perceptions Are Diminished by Dysfunctional Bureaucratic Silos" (2004)
 33 U. Memphis L. Rev. 883, "Product Recalls & The Third Restatement: Consumers Lose Twice from Defects in Products and in the Restatement Itself"
 64 Louisiana Law Review 809, "FOIA and Fighting Terror: The Elusive Nexus Between Public Access and Terrorist Attack" (2004)
 51 Cleve. St. L. Rev. 643, "Writing Checks or Righting Wrongs: Election Funding & The Tort Decisions of the Ohio Supreme Court" (2004)
 55 Admin. L. Rev. 507, "Libels on Government Websites" (2003)
 20 Natural Res. & Env't. 43, Allocating the Private Sector Costs of a Future 9/11 (2006)
 60 NYU Annual Survey of Am. Law 329, Bombing Bureaucratic Complacency: Effects of Counter-Terrorism Pressures on Medical Product Approvals (2004)
 58 Food & Drug L.J. 287, A State of Extinction: Does FDA Approval of a Prescription Drug Label Extinguish State Claims for Inadequate Warning? (2003)
 9 Widener Law Symp. J. 261, Planning for the Unthinkable: Environmental Disaster Planning Issues in an Age of Terroristic Threats (2003)
 71 U. Cin. L. Rev. 541, "An Eye for an Eye: Foresight on Remedies for LASIK Surgery's Problems" (2002)
 12 Kansas J. Law & Public Policy 559, "Access to Records" (2003)
 11 ABA Public Lawyer 5, "Sunshine Laws & Racial Profiling Challenges" (Summer 2003).
 54 Admin. L. Rev. 835, "The 411 on 515: OIRA's Expanded Information Roles" (2002)
 29 N. Ky. L.J. 413 , "Prescription Pricing & Monopoly Extension" (2002)
 53 Admin. L. Rev. 223, "Burying Caesar: The Case for Replacing the Court of Appeals for Veterans Claims"
 31 Loyola Chi. L.J. 317, "Elders, Surgeons, Regulators, Jurors: Are Medical Experimentation's Mistakes Too Easily Buried?" (2000)

- Food & Drug Law Inst. Update, Impacts of Treating GMP Violations as Manufacturing Defects 4 (Jan. 2004)
- 30 Envir. Law Rptr 10203, "Seeking a Truce in the Environmental Information Wars" (Mar. 2000)
- 20 J.Natl. Assn. of Administrative Law Judges 137, "ALJs in 2050" (2000)
- 30 Envir. Law Rptr. 10574, "Chevron Goes Up in Smoke: Did the Supreme Court Reward Gridlock Tactics in the Cigarette Decision?" (May 2000)
- 14 St. John's J. Legal Commentary, "Money Talks and Policy Walks: Influence of the Campaign Funding Process Upon Administrative Agency Decisions" (1999)
- 13 Ohio Lawyer 8, "Hiding Child Support Income" (May 1999)
- 26 No.Ky.L.Rev. 655, "Dialogue with the Designers: Comparative Influences on Product Design Norms Imposed by Regulators and by the Third Restatement of Products Liability" (1999)
- 50 Admin. L. Rev. 371, "Expanding the Purpose of Federal Records Access: New Private Entitlement or New Threat to Privacy?" (1998)
- 53 Food & Drug L.J. 123, "Implications of International Drug Approval Systems on Confidentiality of Business Secrets" (1998)
- 52 Food & Drug Law Journal 253, "FDA and the 1997 Tobacco Settlement: No Rules for Twelve Years?" (1997)
- 22 Iowa J. Corp. Law 509, "Trash or Treasure? Industrial Recycling and International Barriers to the Movement of Hazardous Waste" (1997)
- 24 No. Kentucky Law Rev. 509, "Tobacco and the Regulatory Earthquake: Why FDA Will Prevail After the Smoke Clears" (1997)
- 3 ABA Envtl. Lawyer 1, "EPA Rulemaking After the 104th Congress" (1996)
- 5 Geo. Mason L. Rev. 1, "Collision in the Congress: Congressional Accountability, Workplace Conflict, and the Separation of Powers"(1996)
- 51 Food & Drug L.J. 677, "FDA Rulemaking and the 104th Congress: Major Rules Enter the Twilight Zone of Review" (1996)
- 7 Ohio Trial 9, "Aging Dis-Gracefully? Improving Advocacy for Ohio's Elders in Injury, Abuse and Mistreatment Cases" (Feb. 1996)
- 10 Proposition 65 News 11, "Listen to the Mortar Rounds: Industry Reaction to Proposition 65" (March 1996)
- 19 Seton Hall Legis.Jnl. 119, "Environmental Audit Privileges"(1994)
- 7 St. Thomas L. Rev. 1, "Clergy Sexual Misconduct: Confronting the Difficult Constitutional and Institutional Liability Issues" (1994)
- 41 Federal Bar News & Journal 106, "After the Applause Ends: Legal Issues in Municipal Solid Waste & Recycling" (1994)
- 12 U. Dayton L. Rev. 1, "More Magic, Less Smoke: Ten Years of Ohio Public Sector Collective Bargaining" (1993)
- 8 J. Environmental Law & Legislation 199, "Environmental Product Certification: The Legal Implications of Green Endorsements" (1993)
- 39 Federal Bar N. & Jnl. 314, "Civility, Gentility, Sensitivity ... and Long Term Results" (1992)
- 23 Urban Lawyer 97, "Recycling and Municipal Liability" (1991)
- 22 Toledo L. Rev. 11, "Education Reform or Labor Peace? Impacts of the Ohio Education Reform on Unions" (1991)
- 18 Ohio N. L. Rev. 217, "Confidential Submissions to Utility Regulators" (1991)
- 42 Admin. L. Rev. 393, "More Gold and More Fleece: Improving the Legal Sanctions Against Medical Research Fraud" (1990)
- 21 Seton Hall L.J. 64, "Technology and Trade Secrets" (1990)
- 32 For the Defense 12, "Using the 'Research Police' to Evaluate Medical Experts" (1990)
- 3 Admin. L.J. 215, "A Consistent Ethic of Regulation: Federal Regulation of Tobacco Products" (1989)
- 1 Regulatory Affairs 234 "The Future of OTC Regulation" (1989)

- 57 U. Cincinnati L. Rev. 1351 "Ohio Strikes Back: Invalidation of Binding Arbitration in Public Bargaining" (1989)
- 39 Administrative Law Review 421, "In Search of Excellence: A Prescription for the Future of OMB Oversight of Rules" (1987)
- 37 Catholic U. L. Rev. 85, "Risks of Assumptions: Impacts of Regulatory Label Warnings Upon Industrial Products Liability" (1987)
- 24 Houston L. Rev. 451, "Biotechnology Meets Products Liability: Problems Beyond the State of the Art" (1987)
- 28 Wm & Mary L.Rev.23, "Deregulation & Private Causes of Action" (1987) 42 Food Drug Cos. L.J. 516, "Orphan Drugs: The Strange Case of 'Baby M'" (1987)
- 41 ABA Business Lawyer 1293, "Committees and Competition: Improving Industry Input to Federal Advisory Committees" (1986)
- 2 ABA Labor Lawyer 695, "The Impact of Performance Oriented Rules on Administrative Enforcement: The Case of OSHA Hazard Communication Rules" (1986)
- 13 Northern Kentucky L. Rev. 27, "Advisers and Secrets: The Role of Agency Confidentiality in the Federal Advisory Committee Act" (1986)
- 41 Food Drug & Cosmetic Law Journal 131, "Three Dimensions of Regulatory Problems: U.S., E.E.C. and National Laws" (1986)
- 35 Case Western Res. L. Rev. 426, "Ohio Begins Public Sector Bargaining" (1985)
- 33 Federal Bar Jnl. 85, "Courts and Congress: Tomorrow's Decisions on Government Openness" (1986)
- 54 Univ. of Cincinnati L. Rev. 1, "Knowledge is Power: Legislative Control of Drug Industry Trade Secrets" (1985)
- 44 Ohio State L. J. 891, "Structures and Conflicts: Ohio's Collective Bargaining Law For Public Employees" (1983)
- 10 J. of Legis. 95 "Who's on First: The Role of the Office of Management and Budget in Federal Information Policy" (1983)
- 52 U. Cincinnati L. Rev. 337, "Right to Know: Cincinnati's More Righteous, Less Knowing Experiment" (1983)
- 34 Administrative L. Rev. 263, "Regaining a Confidence: Protection of Business Confidential Data Through Reform of the Freedom of Information Act" (1982)
- 37 Business Lawyer 1625, "Review: Association Law Handbook" (1982)
- 37 Food Drug Cos. L. J. 368, "Bad Actors Make Worse Law: Expansion of the Narrow Constitutional Exception for Warrantless Searches" (1982)
- Freedom of Information Center Report No. 438: "Canada's Access Legislation" (Univ. Mo., May 1981)

Other articles 1973-2007 in Labor Law Journal, International Digest of Health Legislation, Business Lawyer, Federal Bar Journal, ABA Products Liability Newsletter, Food Drug Cosmetic Law Journal, Administrative Law Review, The Corporate Director, Quality Assurance, Environmental Analyst, ABA SEER Trends, Regulatory Affairs Professional Society Journal, etc.