

## ANNE KIMBERLEY DAYTON

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### **Work Address**

William Mitchell College of Law  
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### **Legal Education and Honors**

J.D. *magna cum laude* 1983, University of Michigan, Ann Arbor, Michigan. Articles Editor, University of Michigan Journal of Law Reform (1982-83), Staff Member (1981).

### **Undergraduate Education and Honors**

B.A. 1980, University of Kansas, Lawrence, Kansas. Majors in history and English literature. Phi Beta Kappa, National Merit Scholarship (four years); Kansas Regents Scholarship (four years); University of Kansas Scholarship Hall; University of Kansas Honors Program; Dean's List (four years).

### **Bar Admissions and Professional Organizations**

Admitted United States Court of Appeals, 10th Circuit, 1993; District of Columbia 1986; Virginia, 1984. Member, District of Columbia Bar Association, Virginia State Bar, Minnesota State Bar Association (not admitted to practice in Minnesota); Elder Law Governing Council, Elder Law Section of the MSBA; American Bar Association; National Academy of Elder Law Attorneys; Steering Committee, Health Care Special Interest Group, NAELA; American Health Lawyers Association.

### **Law Teaching, Joint Appointments, and Research Leaves**

Visiting Professor of Law, William Mitchell College of Law, Academic Year 2005-06, Spring 2004; Professor of Law, University of Kansas School of Law (1991-2004); Associate Professor of Law (1986-91). Visiting Professor, William Mitchell College of Law (Summer 2003). Visiting Professor, University of Miami School of Law, Summer Law in London Program (Summer 2002). Visiting Professor, Washburn University School of Law (Spring 2001); Visiting Professor, DePaul University College of Law (Fall 1992).

### **Legal Experience**

Of Counsel, Long & Reher, Minneapolis, MN (January 2005 - present); Associate, Shea & Gardner, Washington, D.C. (1984-86); trial and appellate litigation. Law Clerk to the Honorable James M. Sprouse, United States Court of Appeals for the Fourth Circuit (1983-84). Summer associate, Bondurant, Miller, Hishon & Stephenson, Atlanta, Georgia (1983); summer associate, King & Spalding, Atlanta, Georgia (1982); summer associate, Shook, Hardy & Bacon, Kansas City, Missouri (1981).

## **Teaching**

Subjects: Elder Law; Health Care Organization and Finance; Civil Procedure; Intellectual Property; Law of Cyberspace, Law and the Visual Arts; Advanced Criminal Procedure; Criminal Procedure; Feminist Legal Theory; Appellate Advocacy; Prison Clinic.

Interdisciplinary Associations: MAGEC Fellow, University of Minnesota Center on Aging (Spring 2005); Courtesy Associate Scientist in Gerontology, University of Kansas (1991-2004); Affiliated Faculty, American Studies, University of Kansas (1998-2004); Women's Studies Advisory Board, University of Kansas (1994-2004).

## **Sabbatical and Research Leaves**

Sabbatical Leaves: Fall-Spring 2002-03, Fall 1994. Postlethwaite Research Leaves: Fall 2000 (to research practitioner-oriented book on elder law); Fall 1997 (to develop on-line course materials for Advanced Criminal Procedure); Fall 1991 (to study social science research methods and data analysis through the Department of Political Science at the University of Kansas).

## **Selected On-line Projects**

Editor, Elder Law Prof Blog, [http://lawprofessors.typepad.com/elder\\_law/](http://lawprofessors.typepad.com/elder_law/) (part of the Law Professor Blogs Network, <http://www.lawprofessorblogs.com/>)

National Elder Law Network (formerly KELN.org)  
<http://www.neln.org>

Kansas Elder Law Network, <http://www.keln.org> (from 1995-2003, the nation's largest and busiest website devoted to elder law. Total accesses since the site was established in 1995: about 3.5 million. Accesses per month, 2003: 65,000+). Site has moved to [www.neln.org](http://www.neln.org)

Health Law Organization and Finance  
<http://www.neln.org/kim/health/healthlaw.html>

Elder Law  
<http://www.neln.org/kim/elder/elderlaw.html>

Elder Law Workshop  
<http://www.neln.org/kim/elder/elderwrk.html>

(additional sites, including Criminal Procedure, Advance Criminal Procedure, Intellectual Property, and Law of Cyberspace, available on request)

## **Legal Scholarship and Publications**

Advising the Elderly Client (2d ed. West Group). 4-volume , 39 chapter treatise (with Wood, Guare, and Mezullo).

Elder Law: Readings, Cases, and Materials (2d ed. Lexis-Nexis 2003) (with Gallanis and Wood)

Elder Law: Statutes and Regulations (2d ed. Lexis-Nexis 2003) (with Gallanis and Wood)

Teachers' Manual to Elder Law: Readings, Cases, and Materials (2d ed. Lexis-Nexis 2003) (with Gallanis and Wood)

Elder Law: Readings, Cases, and Materials (Anderson 2000) (with Gallanis and Wood)

Elder Law: Statutes and Regulations (Anderson 1999) (with Gallanis and Wood)

Teachers' Manual to Elder Law: Readings, Cases, and Materials (Anderson 1999) (with Gallanis and Wood)

Chapter 7 (Determining the Sentence, *Practice Under the Federal Sentencing Guidelines* (3d ed.) (Prentice-Hall 1993 & 1994-96 Supplements).

*Recent Cases of Interest from Around the Country*, Victimization of the Elderly and Disabled (Civic Research Institute) (regular contributor). VED is a publication aimed at non-legal professionals working in the health care and gerontology professions.

Invited Expert: Joint Conference on Legal & Ethical Issues in the Progression of Dementia (sponsored by the Borchard Foundation Center on Law and Aging, the ABA Commission on Legal Problems of the Elderly, the National Academy of Elder Law Attorneys, the Alzheimer's Association, and the University of Georgia School of Law), Athens, Georgia, December 2000. Conference participants drafted policy recommendations in behalf of the sponsoring organizations concerning the subject of the conference, see generally Symposium: Joint Conference on Legal/Ethical Issues in the Progression of Dementia, 35 Ga. L. Rev. 2001, pp. 391-834.

"Procedures" (short story), in Haddad & Brown, eds., *The Arduous Touch: Voices of Women in Health Care* (Purdue Univ. Press 1999). See <http://www.mfh.org/specialprojects/litandmed/hospitals2004/childrens04.html>

*Feminist Theory and Criminal Justice: An Overview*, in Taylor, et al, eds., *Feminist Jurisprudence, Women and the Law: Critical Essays, Research Agenda, and Bibliography* (Rothman 1999).

*Copyright, Academia, and the New Scholarship*, JURIST: Lessons from the Web, <http://jurist.law.pitt.edu/lesmar98.htm> (March 1998).

*Families and Failures: Feminist Theory, Law, and Literature*, in St. Joan & McElhiney, eds., *Beyond Portia: Law and Literature by American Women* (Northeastern 1997).

*The Underfederalization of Crime* (6 Cornell J.L. & Public Policy 247 (1997) (with Tom Stacy).

"Trespassers, Beware": *Lyda Burton Conley and the Battle for the Huron Place Cemetery*, 8 Yale J. L. & Feminism 1 (1996).

*A Blueprint for Teaching Elementary Teachers about the Internet*, 17 Feminist Collections (Winter 1996).

*Judicial Vacancies and Delay in the Federal Courts: An Empirical Evaluation*, in Symposium, *The Civil Justice Reform Act*, 67 St. John's U.L.R 757 (1993).

*Case Management in the Eastern District of Virginia*, in Symposium, *Civil Litigation in the 1990's*, Part II, 26 U.S.F.L. Rev. 445 (1992).

*Patriarchy, Paternalism, and the Masks of Fetal Protection*, 2 Kan. J.L. Pub. Pol. 25 (1992).

*Alternative Dispute Resolution: Asking the Right Questions*, J. Kan. Trial Lawyers Ass'n, March, 1992, at 15.

*The Myth of Alternative Dispute Resolution in the Federal Courts*, 76 Iowa L. Rev. 889 (1991).

*Judges on Judging* [book reviews of Satter, *Doing Justice* (Simon & Schuster, 1990) and Grodin, *In Pursuit of Justice: Reflections of a State Supreme Court Justice* (Univ. of Calif. Press, Berkeley, 1989)], 39 Kan. L. Rev. 939 (1991).

*Rethinking Harmless Constitutional Error*, 88 Colum. L. Rev. 79 (1988) (with Tom Stacy).

*Personal Jurisdiction and the Stream of Commerce*, 7 Rev. of Litigation 239 (1988) (University of Texas).

### **Works in Progress**

2005 Supplement to *Elder Law: Readings, Cases, and Materials* (see above) (forthcoming July 1, 2005).

Third edition, *Elder Law: Readings, Cases and Materials, and Statutory Supplement* (see above) (forthcoming July 1, 2006).

Minnesota Continuing Legal Education, *Elder Law Handbook*, Chapter 8: Medicare, Medigap, and the Medicare Prescription Drug Benefit (forthcoming June 2005).

Recent Cases of Interest from Around the Country (occasional column for *Victimization of the Elderly and Disabled*) (a Civil Research Institute Publication).

*Ageing, Justice, and Democracy* (this work-in-progress will consider how various theories of justice would address the allocation of scarce health- and long-term care resources across the age spectrum in democratic societies. *Inter alia*, it will compare existing methods of financing health care and long term care for the aging in developed, transitional, and developing democratic states).

### **Other Publications and Projects**

Course Materials, *Recent Developments in the Law of Cyberspace and Recent Developments in Intellectual Property Law* (prepared for the June 2001 CLE Conference "Recent Developments in the Law", University of Kansas Continuing Education, Lawrence).

### **Selected Presentations and Conferences**

"Elder Law and Long Term Care Planning for Non-traditional Families", Lavender Law Conference, National Lesbian and Gay Lawyers Association, October 1, 2004 (with Laurie Hanson)

Invited Expert: United Nations Economic Commission for Europe, UNECE Workshop on E-Regulatory Framework Development in Transitional Economies (Feb 13, 2002) *and* 3rd Session of the UNECE Working Party on Industry and Enterprise Development (February 14-15, 2002), Palais des Nations, Geneva, Switzerland.

Anti-Terrorism Activities of Law Enforcement Officials in the U.S. After 9/11 (presented to prosecutors and staff of the Openbaar Ministerie (Dutch Public Prosecutor Service) at the Arrondissementsparket Amsterdam (Amsterdam District) of the Ministry of Justice, Amsterdam, Netherlands, February 2002.

International Mutual Legal Assistance in Tax, Fraud, and Money Laundering Investigations (presented to prosecutors of the Openbaar Ministerie (Dutch Public Prosecutor Service) and attorneys of the FIOD (Fiscale Inlichtingen en Opsporingsdienst--Tax Fraud Investigatory Office) at the Arrondissementsparket Amsterdam (Amsterdam District) of the Ministry of Justice, Amsterdam, Netherlands, June 2001

Recent Developments in Elder Law, presented to health care professionals, gerontologists, psychologists, and nursing home facility administrators, Sunflower Conference on Aging, Washburn University, August 2001.

Problems in the Legal Representation of Rural Elderly, presented at Continuing Legal Education, Representing the Invisible, Washburn University, March 2001.

First Amendment Issues in Cyberspace (presented to software engineers and senior management at the Lawrence office of Netopia, Inc., <http://www.netopia.com>, December 2000).

The Kansas Elder Law Network and Recent Issues in Elder Law (presented to the University of Kansas Gerontology Faculty Seminar, November 2000).

Reading the Law: Feminist Jurisprudence and Legal Constructions of the Family, 2000 Lindsborg (Kansas) CLE Conference (sponsored by the Topeka Women's Bar Association and the Kansas Humanities Council), July 2000 (with Nancy Maxwell).

Privacy and Security in a Networked World, Governor's Conference on Juvenile Justice (sponsored by the Kansas Juvenile Justice Authority and Kansas State University Continuing Education), May 2000.

Recent Developments in the Law: The Law of Cyberspace, University of Kansas Continuing Legal Education Program, June 1999.

Copyright Law for Web Developers in Elementary and Secondary Education, USD #497 In Service Training Presentation, March 1999.

Law, Literature, and Ethics, Continuing Legal Education Presentation for America's Community Bankers, 1998 National Compliance Conference, Orlando, FL, September 1998 (with Marc Elkins).

Feminist Legal Ethics (Topeka Women's Bar Ass'n/Kansas Humanities Council CLE Program) (Lindsborg Conference, July 1998) (with Lisa Schultes).

Reading the Law: Law, Literature and Ethics (KBA/Kansas Humanities Council Continuing Legal Education Program) (September 1997, March 1998, May 1998) (with Marc Elkins).

Copyright Issues and Academics' Web Page Development (presented at the University of Kansas ASTUTE Center Workshops (1997-98 various)).

Copyright Implications for Web Publishing by Academics (presented to the KU Chapter, American Association of University Professors, November 1996).

Lyda Burton Conley and the Huron Place Cemetery (presented to the Wichita Women's Bar Ass'n, August 1996).

Trends in Feminist Jurisprudence (presented to the Topeka Women's Bar Ass'n, May 1996).

Trends in Feminist Jurisprudence (presented at the Lindsborg (Kansas) CLE Conference, July 1995).

The Empty Promise of Mandatory Arrest Legislation (presented at the Midwest Clinical Law Professors' Midyear Conference, University of Kansas School of Law, November 1994).

The New Mandatory Arrest Law: The Douglas County Experience (presentation at Kansas State University, November 1993).

The Civil Justice Reform Act of 1990: Implications for Federal Practice in the District of Kansas (CLE presentation in behalf of Continuing Education at the University of Kansas, May 1992).

Debate: Is Alternative Dispute Resolution for Wimps? (debate with U.S. District Judge Patrick Kelly before the Kansas Bar Association, June 1991).

### **Reports and Studies**

Annual Assessment and Final Report Under the Civil Justice Reform Act for the District of Kansas (April 1999).

Annual Assessments Under the Civil Justice Reform Act of the State of the Criminal and Civil Dockets and of the CJRA Expense and Delay Reduction Plan of the District of Kansas (December 1995, October 1994, July 1993).

Annual Assessment Under the Civil Justice Reform Act of the State of the Criminal and Civil Dockets and of the CJRA Expense and Delay Reduction Plan of the Eastern District of Virginia (October 1995, September 1994, May 1993).

Identification of Peer Districts for the Eastern District of Virginia (April 1993).

Identification of Peer Districts for the District of Kansas (June 1992).

Report of the Civil Justice Reform Act Advisory Group for the District of Kansas (October 1991).

Report of the Civil Justice Reform Act Advisory Group for the Eastern District of Virginia (September 1991).

### **Court-Related Service Activities**

Co-Reporter, Civil Justice Reform Act Advisory Group for the District of Kansas (1991-99); Reporter, Civil Justice Reform Act Advisory Group for the Eastern District of Virginia (1991-98).

### **Selected Pro Bono Legal Representations**

*Kelly v. Warden*, No. 92-3366 (10th Cir.) (with Kay Huff) (habeas) (habeas relief granted July 1993); *Hutchcraft v. Warden*, No. 91-3134-S (D.Kan.) (with David Gottlieb) (habeas) (habeas relief granted December 1992).

### **Selected Community and Professional Service**

Elder Law Counsel, Elder Law Section, Minnesota State Bar Association; Associate Editor, *Victimization of the Elderly and Disabled* (a bi-monthly publication of the Civic Research Institute); Academic/Legal Consultant, Watkins Community Museum/USD #497 re: Copyright Issues Related to Digitization of the History of Lawrence, Kansas (project supported by the National Endowment for the Humanities) (2000-03); International Advisory Board, JURIST, <http://jurist.law.pitt.edu/>; Planning Committee for Workshop on Women in Legal Education, AALS Section on Women in Legal Education (1997-99); Executive Committee, AALS Section on Civil Procedure (1995); Reporter, Civil Justice Reform Act Advisory Group for the Eastern District of Virginia (1991-98); Co-Reporter, Civil Justice Reform Act Advisory Group for the District of Kansas (1991-99); Drafter, Colorado Bar Examination (1989-02); Drafter, Arizona Bar Examination (1992, 1994, 1998, 1999, 2000); Douglas County Law Enforcement training program, lecturer on constitutional criminal procedure (1994); Pinckney Elementary School QPA Site Council (1995-97); "Friend of Education Award", Lawrence Educators' Association (1996) Volunteer, Pinckney Elementary School (assisted school to develop the first elementary school website in the state of Kansas (in 1995) and developing (with Larry Hoyle) a student computer lab in which 2nd-6th graders learned HTML coding and created websites on an Intranet).

### **Past Administrative Duties and University Service**

Co-Director, Kansas Defender Project, 1988-91 (supervised law students in a clinical program that provided direct legal services to inmates at the level-5 and level-1 federal prisons in Leavenworth and three Kansas state maximum/medium security prisons. Annual caseload exceeded 1000 requests for assistance. Managed clinic budget, which was funded primarily by contracts with the U.S. Bureau of Prisons and through private sources).

Director, Law School Appellate Advocacy Program, 1986-1996. (This was a required course designed to teach skills of written and oral advocacy. Duties of the director included training and monitoring of 34-40 teaching assistants, preparing and reviewing instructional materials, and scheduling, and supervising program involving 160 first year students).

Curriculum Development. With Molly Wood, drafted curriculum and proposal to Kansas Board of Regents for LLM degree in Elder Law (approved January 2003).

### **Selected University Service (University of Kansas)**

Strategic Planning Committee, Gerontology Center (2002-2003); University Council (1998-2000); University Faculty Council (1998-2000); University Ad Hoc Committee on Intellectual Property Policy, 1997-2000; University Ad Hoc Committee on Campus E-mail Policy, 1997-98; Women's Studies Advisory Board (since 1994); SenEx Academic Computing and Telecommunications Committee, 1995-98; SenEx Judicial Board Chair, 1993-94, Judicial Board Member, 1991-93; SenEx Human Relations Committee, 1987-91; University Advisory Committee on Human Experimentation, 1989-91.

### **University of Kansas Law School Service**

Planning Committee (2001-present); Library Committee (1996-2000); Awards and Special Events Committee, 1999-2001, Chair, 1995-96; Academic Committee Chair, 1993-94, Academic Committee Member 1987-93; Ad Hoc Committee on Gender Issues, 1991-94.

### **And Just For Fun...**

Proud mother of Colin  
<http://members.cardomain.com/blownrs>

Web Goddess and Team Member, team eclecticomania: triathlon team in training

Updated: 04/05