Publications

The Case Against Race-Based Quotas in Pharmaceutical Trials, 49 AM. J.L. & MED. 1 (2023) (lead article).


Legal Recourse for Victims of Blockchain and Cyber Breach Attacks, 23 U.C. DAVIS BUS. L.J. 135 (2023) (with Brian Elzweig and Lawrence J. Trautman) (lead article).

Unlocking the Beauty from Within Title VII: Arguing for An Expansive Interpretation of Title VII to Protect Against Attractiveness Discrimination, 31 AM. U. J. GENDER, SOC. POL’Y & L. 25 (2023).


Excluding Crypto-Exposed Companies from ESG Funds, DUKE FIN. ECON. CENTER FINREG BLOG (Feb. 13, 2023).


Is AI Friend or Foe: Legal Implications of Rapid Artificial Intelligence Adoption, 26 ATLANTIC L.J. 2 (2023) (lead article).

Alternative Dispute Resolution in Brief, open access primer (2023) (with Larry D. Foster, David Orozco, Carrie Shu Shang, Lawrence J. Trautman).

The Longer They Are, the More Citations They Receive: How Impact Factor Punishes Concise, Legal Scholarship, U. N. TEX DALL. L. REV. ON CUSP (Spring 2023).


Legal Liability of a 51%, Goldfinger Cryptocurrency Attack (with Brian Elzweig and Lawrence J. Trautman), DUKE FIN. ECON. CENTER FINREG BLOG (December 28, 2022).

Good Things Come in Small Semesters: Mini-Session Classes as a Method for Serving At-Risk and Minority Students (with Chuck Pier and Andy Tiger), 25 ATLANTIC L.J. 2 (2022) (lead article).

I Knew It All Along: The Promising Effectiveness of a Pre-Jury Instruction at Mitigating Hindsight Bias, 74 BAYLOR L. Rev. 307 (2022).


The Ethics of Investing in Cryptocurrencies, (with Dr. Ruben Ceballos) 21 FLA ST. BUS. Rev. 69 (2022).

The Curious Case of Howard Law School’s Peer Ranking, 23 RUTGERS RACE & L. Rev. 299 (2022) (lead article).

The Real Cost of Fake News: Smartmatic’s $2.7 Billion Defamation Lawsuit Against Fox News, 47 U. DAYTON L. Rev. 17 (2022) (lead article).


Censorship by any Other Name: A Response to Nadine Strossen on Private Censorship Online, 61 WASHBURN L.J. 85 (2022).

**Stagflation in American Jurisprudence**, (with Chad Marzen) 42 PACE L. REV. 1 (2022) (lead article).


**Brian Flores’s Employment Discrimination Lawsuit Against the NFL: A Game Changer or Business as Usual?**, 29 MOORAD SPORTS L.J. 299 (2022).

**Good for the Goose but Not for the Gander: Biden's Promise to Appoint a Black Female to the Supreme Court and Title VII Principles**, 9 TEX. A & M L. REV. ARGUENDO 1 (2022).


**Choosing Industries Wisely: A Case of Professionals Toking up the Wrong Tree**, (with Christine Noel) 36 J. BUS. CASES & APPLICATIONS 1 (2022).


Rage Against the Voting Machine: Dominion’s Defamation Lawsuit Against Sidney Powell, 26 ILL. BUS. L.J. 1 (2021)(lead article).


Coronavirus “Cures” and the Courts (with Chad Marzen), 12 WM. & MARY BUS. L.J. 1 (2021) (lead article).


Online Law Journals as Legal Scholarship: A Survey of Faculty Perceptions, 61 JURIMETRICS 171 (2021) (lead article).


What’s Bad for the Goose is Bad for the Gander: Censorship Is Harmful Whether Done by the Government or Private Industry, 44 W. NEW ENG. L. REV 1 (2021).


Double-Blind Review as a Solution to Gender Inequality in Legal Scholarship, 8 ROCKY MOUNTAIN L.J. 94 (2021)(with Satvir Singh).


Two Classifications Enter, One Classification Leaves: Are UFC Fighters Employees or Independent Contractors?, 29 S. CAL. INTERDISC. L. REV. 227 (2020).

Victim or Complaining Witness: The Difference Between Guilty and Not Guilty, 57 SAN DIEGO L. REV. 423 (2020).

Running up Against the Civil Rights Act: Does Joe Biden’s Promise of a Female Running Mate Violate Title VII?, 27 CARDOZO J. EQUAL RTS & SOC. JUST. 19 (2020).


The Alford Plea Turns Fifty: Why It Deserves Another Fifty Years, 54 CREIGHTON L. REV. 1 (2020) (lead article).


Coronavirus and Mass Incarceration, IND. L. REV. BLOG (2020).

Online Law Journals as Legal Scholarship: A Survey of Faculty Perceptions, VAND. J. ENT. & TECH. L. BLOG (2020).


The Silent Justice Speaks: Clarence Thomas in His Own Words, GA. L. REV. ONLINE (Aug. 5, 2020).

Faculty Perceptions of Online Law Journals, 30 MIDWEST L.J. 4 (2020) (lead article).


The Overlooked Benefits of Hate Speech: Not Just the Lesser of Two Evils, 60 S. TEX. L. REV. 687 (2020).


The Extremes of Rap on Trial: An Analysis of the Movement to Ban Rap Lyrics as Evidence, 95 Ind. L.J. Supplement 50 (2019).


Unsportsmanlike Conduct? The NFL’s Response to the Kneeling Controversy, (with Dr. Christine Noel) 12 J. Ethical & Legal Issues (2019).

The Effectiveness of Bayesian Jury Instructions in Mitigating the Defense Attorney’s Fallacy, 9 Hous. L. Rev.: Off Rec. 73 (2019).


Can a President Pardon Himself? Law School Faculty Consensus, Ne. U. Extra Legal (2019).


John Roberts: Shedding Light on a Secretive Man, Ne. U. L. Rev. F. (September 5, 2019).


Lacking Evidence: A Response to Jeffrey Bellin’s The Evidence Rules That Convict the Innocent, ___ MITCHELL HAMLINE SUA SPONTE ___ (forthcoming 2023).


Student Gender Bias in College Class Selection, ___ J. BUS. L. & ETHICS PEDAGOGY ___ (with Andrew Tiger)(forthcoming 2023).


Information Leaking and the United States Supreme Court, ___ BYU J. PUB. L. ___ (forthcoming 2023).


Breaking the Stalemate on Supreme Court Term Limits with Delayed Implementation Legislation, ___ NEW ENG. L. REV FORUM ___ (forthcoming 2023).


Fighting over Worker Classification: A Class Activity About Whether UFC Fighters Are Employees or Independent Contractors and Why It Matters, 26 ATLANTIC L.J. ___ (forthcoming 2023).


The Pepsi Generation Goes to Court: A Teaching Note Utilizing a Netflix Documentary to Teach Contracts and Ethics, ___ MIDWEST L.J. ___ (forthcoming 2023).


Driving a Stake Through Corporate Cryptocurrency Involvement: Why the Practice Fails the Stakeholder Ethical Analysis, ___ WAYNE L. REV. ___ (forthcoming 2023)(with Justin Blount).


Conference presentations

“Anchoring: Recognizing the Subtle Ways Your Mind Gets Stuck”
TedTalk presented at TedX Grand Junction, 1/27/2018

“In Defense of Hate Speech”
Constitutional Law Panel
Academy of Legal Studies in Business, Montreal, Canada, 8/11/2019

“Combating Arbitrary Jurisprudence by Addressing Anchoring Bias”
Empirical Legal Studies Panel
Academy of Legal Studies in Business, Montreal, Canada, 8/11/2019

“Instructor Gender Bias in College Class Selection”
Rocky Mountain Academy of Legal Studies in Business, Vail, CO, 9/28/2019

“The Effectiveness of Bayesian Jury Instructions in Mitigating the Defense Attorney’s Fallacy”
Rocky Mountain Academy of Legal Studies in Business, Vail, CO, 9/28/2019

“Student Perceptions of Originalism: An Analysis of Instructor Bias”
Southern Academy of Legal Studies in Business, San Antonio, TX, 3/5/2020

“The Extremes of Rap on Trial: An Analysis of the Movement to Ban Rap Lyrics as Evidence”
Southern Academy of Legal Studies in Business, San Antonio, TX, 3/6/2020

“Marshmallow Structure Negotiation”
Southwest Case Research Association, San Antonio, TX, 3/11/2020

“Student Gender Bias in College Class Selection”
Southwest Academy of Management, San Antonio, TX, 3/13/2020

“Constitutional Interpretation and Classroom Bias”
Academy of Legal Studies in Business, Providence, RI (Presented remotely), 8/5/2020

“Two Classifications Enter, One Classification Leaves: Are UFC Fighters Employees or Independent Contractors?”
Academy of Legal Studies in Business, Providence, RI (Presented remotely), 8/6/2020

“Running up Against the Civil Rights Act: Does Joe Biden’s Promise of a Female Running Mate Violate Title VII?”
Rocky Mountain Academy of Legal Studies in Business, Vail, CO (Presented remotely), 9/26/2020

“Political Ideology and Law School Rankings”
Southeastern Academy of Legal Studies in Business, Savannah, GA (Presented remotely), 11/13/2020
“The Big Problem with the Small Penis Rule: Why It Does Not Limit Defamation Liability.”
Pacific Southwest Academy of Legal Studies in Business, Palm Springs, CA (Presented remotely)
02/12/2020

“Building Real-World Learning Experiences”
South West Academy of Management, San Antonio, TX (Presented remotely), 3/3/2021

“Scott’s Tots: Everything I Know About Contract Law I Learned from NBC’s The Office”
Mid-Atlantic Academy of Legal Studies in Business Annual Conference, Bloomington, IN 3/19/2021
(Presented remotely)

“Cumulative Contracts Class Activity”
Western Academy of Legal Studies in Business Annual Conference, Tahoe, NV 3/20/2021
(Presented remotely)

“Rage Against the Voting Machine: Dominion’s $1.3 Billion Defamation Lawsuit Against Sidney Powell”
Southern Academy of Legal Studies in Business, San Angelo, TX (Presented remotely) 3/25/2021

“Scott’s Tots: Everything I Know About Contract Law I Learned from NBC’s The Office”
Master Teacher competition presentation
Midwest Academy of Legal Studies in Business, Chicago, IL (Presented remotely), 3/26/2021

“Political Appointments and Title VII Protections”
Midwest Academy of Legal Studies in Business, Chicago, IL (Presented remotely), 3/25/2021

“Unbiasing the Classroom: How the Sequence, Severity, and Sincerity of Information Affect Student Opinions”
Society for Case Research, Chicago, IL (Presented remotely), 3/25/2021

“Negotiation Strategies in Practice”
Midwest Business Administration Association International, Interactive Teaching Poster Presentation
Chicago, IL (Presented remotely), 3/25/2021

“Yes, Self-Pardons Are Constitutional, Even for Donald Trump”
American Constitution Society Law Scholars Forum, Orlando, FL 3/26/2021
(Presented remotely)

“Botched Statistics on Botched Executions: Refuting Austin Sarat’s Claims”
American Constitution Society Law Scholars Forum, Orlando, FL 3/26/2021
(Presented remotely)
“Capitol Offense: Is Donald Trump Guilty of Inciting a Riot at the Capitol?”
Journal of Law and Public Policy Symposium on Alternative Realities, Conspiracy Theory, and the Constitutional and Democratic Order, St. Paul, MN 4/16/2021
(Presented remotely)

“The Curious Case of Howard Law School’s Peer Ranking”
Pacific Northwest Academy of Legal Studies in Business Annual Conference, 4/16/2021
(Presented remotely)

“The Real Cost of Fake News: Smartmatic’s $2.7 Billion Defamation Lawsuit Against Fox News”
Northeast Academy of Legal Studies in Business Annual Conference, 4/16/2021
(Presented remotely)

“Marshmallow Structure Negotiation Class Activity”
Lilly Conference, 5/1/2021 – 8/31/2021
(Asynchronous 30-minute teaching pedagogy instruction)

“Oops, Did You Offer to Sell a $30 Million Harrier Jet?”
ALSB National Conference, 8/2/2021
(Presented remotely)

“Master Teacher Competition Q&A”
ALSB National Conference, 8/6/2021
(Participated remotely)

“The Amendability Paradox: Cold an Unamendable Amendment Be Amended?”
ALSB National Conference, 8/4/2021
(Presented remotely)

“Breaking the Stalemate on Supreme Court Term Limits with Delayed Implementation Legislation”
ALSB National Conference, 8/4/2021
(Presented remotely)

“Inclusive Teaching in the Legal Environment Classroom”
Rocky Mountain Academy of Legal Studies in Business, 10/1/2021
(presented remotely)

“What the Rules of Sports and Games Can Teach Us About Law”
Great Lakes Academy of Legal Studies in Business, 10/22/2021
(presented remotely)
“Justice by Algorithm: Are Artificial Intelligence Risk Assessment Tools Biased Against Minorities?”
Southern Journal of Policy and Justice Symposium
Keynote Speaker
Atlanta, GA, 2/24/2022

“What the Brian Flores Lawsuit Can Teach About Racial Discrimination, Employment Law, and Litigation Strategy”
San Antonio, TX

“Legality of Racial Discrimination in the Distribution of Lifesaving COVID-19 Treatments”
Western Academy of Legal Studies in Business, 3/12/2022
(presented remotely)

“The Overlooked Benefits of Allowing ‘Hate Speech’”
Law vs. Antisemitism Conference, 3/14/2022
Indiana University McKinney School of Law

“Attractiveness Discrimination as a Protected Class”
Pacific Northwest Academy of Legal Studies in Business Annual Conference, 4/7/2022
(presented remotely)

“Ethics of Investing in Cryptocurrency”
Law, Ethics, and Transactions in Emerging Technologies: Are We Up to the Task?, 5/15/2022
Paper published in proceedings
Washington, D.C.

“Ethical Considerations of Investing in Cryptocurrencies”
Academy of Legal Studies in Business Annual Conference, 7/29/2022
Louisville, KY

“Unlocking the Beauty from Within Title VII: Arguing for An Expansive Interpretation of Title VII to Protect Against Attractiveness Discrimination”
Academy of Legal Studies in Business Annual Conference, 7/30/2022
Louisville, KY

“The Case Against Race-Based Quotas in Pharmaceutical Trials”
Western Academy of Legal Studies in Business Annual Conference, 12/09/2022
(presented remotely)

“Slack-Fill Jurisprudence and Environmental Concerns”
San Antonio, TX
“The NFL’s Rooney Rule 2.0: New and Unimproved”
San Antonio, TX

“Putting Cryptocurrency in Its Place: The Case for Why ESG Funds Should Exclude Cryptocurrency-Exposed Companies”
San Antonio, TX

“Legal Recourse for Victims of Blockchain Attacks”
Southern Academy of Legal Studies in Business, 3/5/2023
San Antonio, TX

“Teaching Note: Teaching Negotiation and Legal Principles with a Variation on the Marshmallow Challenge”
Western Academy of Legal Studies in Business, 3/18/2023
(presented remotely)

“How State Tax Rates Affect Athletic Performance”
Academy of Legal Studies in Business Annual Conference, 7/26/2023
San Diego, CA

“Gender, Cheating, and Take-Home Exams”
Academy of Legal Studies in Business Annual Conference, 7/27/2023
San Diego, CA

Academy of Legal Studies in Business Annual Conference, 7/27/2023
San Diego, CA

“Cryptocurrency and the Stakeholder Theory of Corporate Ethics”
Academy of Legal Studies in Business Annual Conference, 7/28/2023
San Diego, CA
Michael J. Conklin
mconklin@angelo.edu

Education

J.D., Washburn University School of Law, 2007
  Received CALI top paper award in Professional Responsibility

M.B.A. with honors, Oklahoma City University, 2004
  GPA of 3.85

Postgraduate Certificate in Law, University of London, 2010
  Specialization in International Business Law

Masters in Business Data Science Analytics, Angelo State University 2023
  GPA 4.0

Masters in Philosophy of Religion, Biola University, 2015
  Graduated with highest honors

Graduate Certificate in College Teaching, Worcester State University, 2014

Graduate Certificate in Professional Ethics, Texas State University, 2012
  GPA of 4.0

B.B.A., University of Central Oklahoma, 2003

Awards

College of Business Outstanding Faculty in Research 2019–2020

University-Wide Faculty Excellence in Research Runner-Up 2019–2020

University-Wide Faculty Excellence in Research Runner-Up 2020–2021

SSRN Top 100 Author in Legal Category 2020

SSRN Top 50 Author in Legal Category 2021

SSRN Top 50 Author in Legal Category 2022

SSRN Top 20 Author in Legal Category 2023

MALSB Master Teacher Competition Winner 2021
Teaching Experience

01/19–present Angelo State University, San Angelo, TX
- Powell Endowed Professor of Business Law
- 2022 Member, Faculty Senate Executive Committee
- 2022 Chairman, Constitution & Bylaws Faculty Senate Subcommittee
- 2020-2023 Faculty Senate Representative
- Member, Constitution & Bylaws Faculty Senate Subcommittee
- Academic advising
- Faculty Athletic Representative for the cheerleading squad
- Coordinate all BUSI 3301 classes to create uniformity
- College Assessment Committee member
- Department Curriculum Committee member
- Graduate Thesis Advisory Committee (3 times)
- Member, Graduation Faculty Committee
- Member, Committee to update the NVCOB Faculty Qualification Guidelines
- Member, Graduate Advisory Committee
- Member, Teaching Quality Assurance Committee
- Member, Assessment Committee
- Member, Library Committee
- BizPitch Faculty Mentor
- Return to Campus Curriculum Delivery Committee [Coronavirus]
- Business Classroom Live-Streaming Liaison [Coronavirus]

Professor: BUSI 6302 Legal & Social Env. of Business
Professor: BUSI 6302 Legal & Social Env. of Business (online 16 sections)
Professor: MGMT 6343 Legal & Ethical Aspects of Healthcare (4 sections)
Professor: MGMT 4381 Negotiations & Persuasion (6 sections)
Professor: ENGR 4201 Professional Engineering Practice (co-taught)
Professor: BUSI 3347 Business Law for Accountants
Professor: BUSI 3301 Legal & Ethical Env. of Business (4 sections)
Professor: BUSI 3301 Legal & Ethical Env. of Business (online 21 sections)
Professor: GS 1181 Bus. Aspects of Movie Industry (5 sections)
Professor: MGMT 4091 Tax Code Literacy Directed Research
Professor: MGMT 4091 Falling in Love with the Law Directed Research

08/13–12/18 Colorado Mesa University, Grand Junction, CO
- Align online classes with rigorous QM (Quality Matters) standards
- Serve on MBA committee, headed the mission statement subcommittee
- Participate as an Affirmative Action representative
- Coordinate BUGB 349 classes to create uniformity of instruction
- Perform academic advising
- Coordinate research efforts with IRB standards

**Lecturer:** BUGB 500 Advanced Business Law and Ethics
**Lecturer:** BUGB 500 Advanced Business Law and Ethics (online)
**Lecturer:** BUGB 101 Introduction to Business (five sections)
**Lecturer:** BUGB 101 Introduction to Business (online four sections)
**Lecturer:** BUGB 211 Business Communications (five sections)
**Lecturer:** BUGB 349 Legal Environment of Business (twelve sections)
**Lecturer:** BUGB 349 Legal Environment of Business (online)
**Lecturer:** MARK 335 Sales & Sales Management (three sections)
**Lecturer:** MANG 201 Principles of Management (four sections)
**Lecturer:** BUGB 231 Survey of Business Law (two sections)
**Lecturer:** EMGT 360 Oil and Gas Law
**Lecturer:** CISB 210 Fundamentals of Information Systems
**Lecturer:** CISB 210 Fundamentals of Information Systems (online)

08/16–12/18 Colorado Mountain College, Rifle, Edwards, & Glenwood Springs, CO
**Adjunct Instructor:** MAN 328 Contemporary Management (two sections)
**Adjunct Instructor:** BUS 334 Organizational Leadership
**Adjunct Instructor:** BUS 115 Introduction to Business (five sections)
**Adjunct Instructor:** BUS 216 Legal Environment of Bus (seven sections)
**Adjunct Instructor:** BUS 217 Bus Comm & Report Writing (five sections)
**Adjunct Instructor:** PHI 111 Introduction to Philosophy

08/10–12/10 University of Arkansas Community College at Morrilton
**Adjunct Instructor:** BUS 2393 Business Law
**Adjunct Instructor:** FIN 2013 Personal Finance

06/08–07/08 St. Gregory’s University, Tulsa, OK Campus
**Adjunct Instructor:** BU 3053 Principles of Business Law

01/07–05/07 Washburn University School of Business, Topeka, KS
**Adjunct Instructor:** BU 315 Legal Environment of Business

01/06–05/06 Washburn School of Law, Topeka, KS
  - Designed custom learning plans for at-risk students
  - Consulted with faculty to maximize potential of at-risk students
**Law School Constitutional Law Tutor**