

MICHAEL J. BORDEN
Associate Professor of Law
Cleveland-Marshall College of Law
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EDUCATION

New York University School of Law
J.D. 1998, LL.M. 2003

Pennsylvania State University
B.A. 1992 (English)

ACADEMIC EXPERIENCE

Cleveland-Marshall College of Law, Cleveland State University

Associate Dean for Administration	2016 - 2019
Associate Professor	2010 - Present
Assistant Professor	2004-10

- Awards

Wilson G. Stapleton Award for Faculty Excellence	2017
University Distinguished Faculty Award for Teaching Excellence	2016
Faculty Member of the Year – Elected by Students	2013, 2016

James E. Beasley School of Law, Temple University 2002 - 2004

Abraham L. Freedman Teaching Fellow and Lecturer in Law

EXPERT WITNESS AND CONSULTING EXPERIENCE

Assistant to the U.S. District Court and Counsel to the Special Master, MDL 2804 – In re National Prescription Opiate Litigation, U.S. District Court, N.D. Ohio 2018 - Present

- Assist Federal District Court in all aspects of adjudication in this complex multidistrict litigation, including drafting orders on motions to dismiss, motions for summary judgment, Daubert motions, discovery orders concerning attorney-client privilege and confidentiality, motions in limine, etc; advise on responses to mandamus petitions and suggestions for remand
- Advise Common Benefit Fund Fee Panel in design and implementation of protocol for allocation of Common Benefit Fund attorney fees

Expert Witness/Consultant

- Served as an expert witness in several cases involving intra-corporate/shareholder disputes, contract disputes, real estate, and securities fraud; details available upon request

ADR EXPERIENCE AND TRAINING

- Successfully mediated numerous cases involving business disputes, labor and employment (FLSA), real estate, and personal injury, including high visibility, multi-party disputes; experienced in remote mediation through online platforms
- American Arbitration Association Arbitrator – Commercial Panel 2020 – Present
- FINRA Arbitrator 2016 – Present
- Mediator/Evaluator – Northern District of Ohio Federal Court Panel 2021 – Present
- Completed 40-hour “Mediating Disputes” Training at Harvard Law School, Harvard Negotiation Institute, Cambridge, MA June 2016
- Completed 40-hour “Essential Mediation Skills” Training American Arbitration Association, New York, NY May 2016

LEGAL EXPERIENCE

- Associate** Mar. 2001 - July 2001
LeBoeuf, Lamb, Greene & MacRae, L.L.P. Paris, France
- Represented French hi-tech and industrial corporations in cross-border transactions; drafted shareholders agreements, licensing agreements, joint development agreements, non-disclosure agreements
 - Assisted in representation of client in high-profile international murder case and estate dispute; prepared motions and letters to judge and clients; reviewed and translated voluminous trial record
 - Conducted business with clients and colleagues in French language

- Associate** Sept. 1998 – Mar. 2001
LeBoeuf, Lamb, Greene & MacRae, L.L.P. New York, NY
- Represented financial services corporations in defense of billion-dollar class actions alleging fraud in the sale of variable annuities
 - Represented issuers and underwriters in all phases of public finance transactions.
 - Advised board of directors of numerous corporate clients as to duties under state fiduciary and federal securities law
 - Represented biotechnology, financial services and e-commerce corporations in various acquisitions, roll-ups and IPO transactions

PROFESSIONAL HONORS AND AFFILIATIONS

- American Law Institute** 2009 - Present
Member
- United States District Court, Northern District of Ohio** 2020 – Present
Member, Advisory Group; Chair, ADR Committee
- William K. Thomas American Inn of Court**
President 2017 – 2018
Executive Committee 2013-Present
- Federal Bar Association** 2017 – Present
Board of Directors, Northern District of Ohio Chapter
- National Civil Rights Summit** 2017 – 2018
Chair, Executive Committee

American Bar Association

ADR Section

2004 - Present

Cleveland Metropolitan Bar Association

ADR Section

2016 - Present

PRESENTATIONS

The Intersection of ADR and Adjudication in the Federal Opioid MDL, Cleveland Metropolitan Bar Association Section on ADR, Cleveland, Ohio. April 6, 2021

Effective Presentations: Engaging Your Audience on Virtual Platforms and in Person, William K. Thomas American Inn of Court, Cleveland, Ohio. September 9, 2020

Actualité de la Médiation aux Etats-Unis (Mediation in the U.S. in the Context of the US Litigation System), Association des Avocats Conseils d'Entreprise, Paris, France. January 22, 2020

FDA Preemption under Merck, Sharp & Dohme Corp. v. Albrecht, Cleveland-Marshall College of Law Supreme Court Review, Cleveland, Ohio. October 7, 2019

Legal Education in France and the United States: What Can France Learn from the American Experience?, Roundtable Discussion, l'Incubateur du Barreau de Paris, Paris, France. October 9, 2014

PUBLICATIONS

Law Review Articles

Of Outside Monitors and Inside Monitors: The Role of Journalists in *Caremark* Litigation, 15 U. Pa. J. Bus. Law 921 (2013)

The Promissory Character of Adequate Assurances of Performance, 76 Brooklyn L. Rev. 176 (2010)

Mistake and Disclosure in a Model of Two-Sided Informational Inputs, 73 Mo. L. Rev. 667 (2008)

The Role of Financial Journalists in Corporate Governance, 12 Fordham J. Corp. & Fin. L. 311 (2007)

PSLRA, SLUSA and Variable Annuities: Overlooked Side Effects of a Potent Legislative Medicine, 55 Mercer L. Rev. 681 (2004)

OTHER

Fluent in French

Vocalist, Cleveland Opera Theater

2014 – Present

Vocalist, Cleveland Orchestra Chorus

2015

Member, Board of Directors, Cleveland Opera Theater

2016 – Present