

PETER A. ALCES
Rita Anne Rollins Professor of Law
The College of William and Mary School of Law

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COURSES TAUGHT

Bankruptcy	Philosophy of Law
Commercial Fraud Seminar	Products Liability
Contracts	Sales
International Business	Secured Transactions
Transactions	Software Liability
Law & Neuroscience	Torts
Payment Systems	

LEGAL EDUCATION

School: University of Illinois College of Law, J.D. Magna Cum Laude, May 1980.

Honors: Harno Fellow; Dean's List; Recipient of Harno Scholarship and College of Law Scholarship.

Law Review: Member, second year; Topics Editor, third year. Published two student works.

UNDERGRADUATE EDUCATION

School: Lafayette College, A.B. Summa Cum Laude, May 1977.

Honors: Gilbert Prize in English; Honors in English Literature; Charles A. Dana Scholar; Dean's List.

ACADEMIC POSITIONS

August 1991
to present Rita Anne Rollins Professor of Law, College of William and Mary School of Law. Teaching Contracts, Sales, Products Liability, and Law & Neuroscience. (Visiting Professor, 1990-91; Cabell Professor, 1998; Rita Anne Rollins Professor since 2001; Cabell Research Professor, 2012-13, 2017-18; recipient of Plumeri Award for Faculty Excellence, 2012.)

August 1983
to August 1991 Professor of Law and John S. Stone Faculty Fellow, University of Alabama School of Law. Taught Commercial Paper, Sales, Secured Transactions, Torts, and Bankruptcy. (Assistant Professor, 1983-85; Associate Professor, 1985-87).

August 1981
to August 1983 Assistant Professor, Graduate School of Business, University of Texas at Austin. Taught Commercial Transactions (Articles 2, 3, 4, and 9 of the U.C.C. and selected provisions of the Bankruptcy Reform Act of 1978) and Contracts.

Visiting Academic Appointments

Visiting Professor of Law, Washington University (St. Louis) School of Law, Academic Year 2008-09; taught Secured Transactions, Sales, and Payment Systems.

Visiting Professor of Law, University of Illinois College of Law, Fall Semester 2004; taught Contracts and Commercial Law.

Visiting Professor of Law, Washington and Lee University School of Law, Academic Year 1999-2000; taught Contracts, Bankruptcy, and Software Liability.

Visiting Professor of Law, College of William and Mary School of Law, Academic Year 1990-91; taught Sales, Payment Systems, and Bankruptcy.

Visiting Professor of Law, University of Texas School of Law, Summer 1990; taught Payment Systems.

Visiting Associate Professor of Law, Washington University (St. Louis) School of Law, Academic Year 1987-88; taught Sales, Commercial Paper (Payment Systems), Bankruptcy and Debtor-Creditor Relations, and Commercial Fraud Seminar.

Visiting Assistant Professor of Law, University of Texas School of Law, Summer 1985; taught Payment Systems.

PUBLICATIONS

Books

Monograph, THE LAW AND NEUROSCIENCE DIALECTIC (under contract with The University of Chicago Press, scheduled publication 2022).

Monograph, THE MORAL CONFLICT OF LAW AND NEUROSCIENCE (The University of Chicago Press, 2018).

Monograph, *A THEORY OF CONTRACT LAW: EMPIRICAL INSIGHTS AND MORAL PSYCHOLOGY* (Oxford University Press, 2011).

Casebook, *COMMERCIAL CONTRACTING* (Lexis, 2004)(co-authored)(2d Edition, 2008).

Treatise, *THE LAW OF SURETYSHIP AND GUARANTY* (Warren, Gorham & Lamont, 1996) (annual supplementation).

Casebook, *CASES AND MATERIALS ON BANKRUPTCY* (West, 1995) (co-authored)(2d Edition, 2001).

Treatise, *THE COMMERCIAL LAW OF INTELLECTUAL PROPERTY* (Little, Brown & Co., 1994) (co-authored) (annual supplementation through 2018)(co-authored).

Casebook, *CASES, PROBLEMS AND MATERIALS ON PAYMENT SYSTEMS* (West, 1993) (co-authored); comprehensive revision of *COMMERCIAL PAPER AND ALTERNATIVE PAYMENT SYSTEMS* (Matthew Bender, 1987)(co-authored).

Casebook, *SALES, LEASES, AND BULK TRANSFERS* (Matthew Bender, 1989)(co-authored).

Treatise, *THE LAW OF FRAUDULENT TRANSACTIONS* (Warren, Gorham & Lamont, 1989) (semi-annual supplementation).

Treatise, *UNIFORM COMMERCIAL CODE TRANSACTION GUIDE*, four volumes (Callaghan, 1988) (Commercial Paper, Bank Collections, and Letters of Credit Volume) (and 1990 Supplement).

Articles and Essays

“The Gap,” in *ROUTLEDGE HANDBOOK OF THE PHILOSOPHY AND SCIENCE OF PUNISHMENT* (Routledge, forthcoming 2019).

“Neuroscience Changes More Than You Can Think,” 2017 *U. ILL. J. OF LAW, TECHNOLOGY & POLICY* 141 (2017) (with Davies).

“The Death of Consent?,” and “Commentary on Hogg,” in *COMPARATIVE CONTRACT LAW: BRITISH AND AMERICAN PERSPECTIVES* (Oxford University Press, 2016).

“The Minimum Content of Natural Contract Law,” in *CURRENT ISSUES IN COMMERCIAL CONTRACTS: TRANSATLANTIC PERSPECTIVES CONFERENCE* (Cambridge University Press, 2013).

Contract Is Context, 46 *WAKE FOREST L. REV.* 903 (2010)(“Contract in Context” Symposium)(invited submission).

They Can Do What?!, 26 *GA. STATE L. REV.* 1099 (2010)(Consumer Finance Symposium)(with Greenfield)(invited submission).

Is it Time for the Restatement of Contracts, Fourth? 11 *DUQUESNE BUS. L.J.* 195 (2009)(Revised Article 2 of the U.C.C. Symposium)(with Byrne)(invited submission).

Unintelligent Design in Contract, 2008 U. ILL. L. REV. 505.

“Carrying a Good Joke Too Far,” 82 CHICAGO-KENT L. REV. 879 (2007) (U.C.C. Article 3 & 4 Symposium)(with Hopkins)(invited submission).

The Moral Impossibility of Contract, 48 WM. & MARY L. REV. 1647 (2007)(Law and Morality Symposium)(invited submission).

“Guerilla Terms,” 56 EMORY L.J. 1511 (2007).

Essay, On Discovering Doctrine: “Justice” in Contract Agreement, 83 WASH. U. L. QUARTERLY 471 (2005).

Review Essay, The Unruliness of Rules, reviewing LARRY ALEXANDER & EMILY SHERWIN, THE RULE OF RULES, 101 MICH. L. REV. 2037 (2003).

Contract Reconceived, 96 NW. U. L. REV. 39 (2001).

Essay, Regret and Contract “Science,” 89 GEO. L.J. 143 (2000).

Review Essay, Defending Truth, reviewing DANIEL A. FARBER & SUZANNA SHERRY, BEYOND ALL REASON, 78 TEX. L. REV. 493 (1999)(with Ward).

When Y2K Causes “Economic Loss” to “Other Property,” 84 MINN. L. REV. 1 (1999)(with Book).

Book Review, If You Don’t Have Anything Good To Say . . . , reviewing KAREN GROSS, FAILURE AND FORGIVENESS, 15 BANKR. DEV. J. 383 (1999).

W(h)ither Warranty: The B(l)oom of Products Liability Theory in Cases of Deficient Software Design, 87 CAL. L. REV. 269 (1999)(U.C. C. Article 2B Symposium).

Commercial Codification as Negotiation, 32 U.C. DAVIS L. REV. 17 (1999)(with Frisch).

Commenting On “Purpose” In the Uniform Commercial Code, 58 OHIO ST. L. J. 419 (1997) (with Frisch).

On the UCC Revision Process: A Reply to Dean Scott, 37 WM. & MARY L. REV. 1217 (1996) (with Frisch).

Abolish the Article 9 Filing System, 79 MINN. L. REV. 679 (1995) (U.C.C. Article 9 Filing Symposium)(invited submission).

Review Essay, Toil of The Firestarters, reviewing JULIUS G. GETMAN, IN THE COMPANY OF SCHOLARS, 92 MICH. L. REV. 1707 (1994).

Reinventing the Wheel, 35 WM. & MARY L. REV. 1405 (1994) (U.C.C. Article 2 Revision Symposium) (with Benfield)(invited submission).

Even Clearer Conceptions of Insider Preferences, 72 WASH. U. L. QUARTERLY 1107 (1994), excerpted in CHARLES J. TABB, BANKRUPTCY ANTHOLOGY (Anderson, 2002).

Essay on Independence, Interdependence, and the Suretyship Principle, 1993 U. ILL. L. REV. 447.

Reconsidering Consideration in the Restatement (Third) of Suretyship, 34 WM. & MARY L. REV. 1053 (1993)(Suretyship Symposium)(invited submission).

Roll Over, Llewellyn?, 26 LOYOLA (L.A.) L. REV. 543 (1993)(Uniform Commercial Law Symposium)(invited submission).

Rethinking Professor Westbrook's "Two Thoughts About Insider Preferences," 77 MINN. L. REV. 605 (1993).

An Agenda for Reform of the U.C.C. Article 9 Filing System, 44 OKLA. L. REV. 99 (1991) (U.C.C. Article 9 Symposium) (with Lloyd)(invited submission), excerpted in ROBERT JORDAN & WILLIAM WARREN, COMMERCIAL LAW (Foundation Press, 1992).

Bank Liability for Fiduciary Fraud, 42 ALA. L. REV. 475 (1991)(U.C.C. Articles 3, 4, and 4A Symposium)(with Benfield)(invited submission), excerpted in EDWARD RUBIN & ROBERT COOTER, THE PAYMENT SYSTEM: CASES, MATERIALS AND ISSUES (West, 2d ed. 1994).

Fraud Bases of Bulk Transferee Liability, 63 TEMPLE L. REV. 679 (1990), excerpted in JOHN DOLAN & LAWRENCE PONOROFF, BASIC CONCEPTS IN COMMERCIAL LAW: CASES AND MATERIALS (West, 1998).

Statutory Personal Property Lease Law in Alabama, 42 ALA. L. REV. 101 (1990)(with Newman).

The Confluence of Bulk Transfer and Fraudulent Disposition Law, 41 ALA. L. REV. 821 (1990) (U.C.C. Article 6 Symposium)(invited submission), reprinted as modified in CALLAGHAN'S COMMERCIAL LAW ANNUAL 1991, excerpted in Steven Harris & Frederick Miller, "The Emerging New Uniform Commercial Code," ALI-ABA Course of Study Materials, Stanford, California, August 1990.

Surreptitious and Not-So-Surreptitious Adjustment of the U.C.C.: An Introductory Essay, 39 ALA. L. REV. 559 (1988) (U.C.C. Article 2A Symposium)(invited submission).

Generic Fraud and the Uniform Fraudulent Transfer Act, 9 CARDOZO L. REV. 743 (1987) (U.F.T.A. Symposium)(invited submission).

Toward a Jurisprudence of Bank-Customer Relations, 32 WAYNE L. REV. 1279 (1986), excerpted in EDWARD RUBIN & ROBERT COOTER, THE PAYMENT SYSTEM: CASES, MATERIALS AND ISSUES (West, 1989).

A Critical Analysis of the New Uniform Fraudulent Transfer Act, 1985 U. ILL. L. REV. 527 (with Dorr).

A Jurisprudential Perspective for the "True" Codification of Payments Law, 53 FORDHAM L. REV. 83 (1984).

Unexpired Leases in Bankruptcy: Rights of the Affected Mortgagee, 35 U. FLA. L. REV. 656 (1983).

The Efficacy of Guaranty Contracts in Sophisticated Commercial Transactions, 61 N.C.L. REV. 655 (1983).

Book Chapter

"Personal Property Leasing: Article 2A of the U.C.C.," Chapter 19, in NEW YORK PRACTICE GUIDE: BUSINESS AND COMMERCIAL LAW (Matthew Bender, 1987, revised 1992).

Other Scholarly Activity

"The Moral Conflict of Law and Neuroscience," presentations: University of Pennsylvania Law School Federalist Society Chapter, March 2018; Vanderbilt University Law and Neuroscience Society, October 2018; Stetson University School of Law, October 2018; University of Florida College of Law, February 2019; Washington University School of Law, February 2019; University of Edinburgh, October 2019; University of Aberdeen, October 2019.

"The Death of Consent?," presentation at Current Issues in Commercial Contracts: Transatlantic Perspectives Conference, University of Edinburgh, Edinburgh, Scotland, September, 2013.

"Human Agency and Legal Doctrine," presentation at Twelfth Annual Conference of the Society for Evolutionary Analysis in Law, Atlanta, Georgia, April 2012.

"The Minimum Content of Natural Contract Law," presentations: at Current Issues in Commercial Contracts: Transatlantic Perspectives Conference, University of Sheffield, Sheffield, England, September, 2011; Georgetown Contract Workshop, Washington, D.C., September 2011.

"Secular Justice," Faculty Presentation: St. Louis University School of Law, April 2011; presentation at Eleventh Annual Conference of the Society for Evolutionary Analysis in Law, Los Angeles, California, February 2011.

"Darwinian Contract," presentation at Tenth Annual Conference of the Society for Evolutionary Analysis in Law, Nashville, Tennessee, April 2009.

"Darwinian Legal Doctrine," presentation at Darwin's Reach Conference, "A Celebration of Darwin's Legacy Across Academic Disciplines," Hofstra University, March 12-14, 2009.

"The Normativity of Contract," Faculty Presentations: Southern Illinois University School of Law, September 2008; University of Missouri – Columbia School of Law, September 2008; Wake Forest University School of Law, October 2008; University of Florida College of Law, October 2008; Washington University (St. Louis) School of Law, October 2008.

“Law by Analogy?,” presentation at 2008 Annual Meeting of the Association for the Study of Law, Culture, and the Humanities, Berkeley, California, March, 2008.

“Guerilla Terms,” Faculty Presentation, Emory University School of Law, October 2006.

“Is Socrates Dead?,” presentation on Contract Law Teaching at the Southeastern Association of Law Schools Annual Meeting, West Palm Beach, Florida, July 2006.

Southeastern Bankruptcy Institute Distinguished Visiting Professor of Law, Georgia State University College of Law, 2006.

“Fraud Theories of Software Security Liability,” presented at AALS Annual Meeting, Washington, D.C., January, 2003; and also at “Software Security” program, Seton Hall University School of Law, November 2002.

“Contract Justice,” Faculty Presentation, Cornell University School of Law, January 2002; Faculty Presentation, Lunch and Learn Series, The Pennsylvania State University-Dickinson School of Law, January 2002.

“Fairness as Heuristic,” St. George Tucker Lecture, College of William and Mary School of Law, September 2001.

“W(h)ither Warranty: The B(l)oom of Products Liability Theory in Cases of Deficient Software Design,” presented at Program entitled “The Impact of Article 2B.” University of California-Berkeley, April, 1998.

"Abolish the Article 9 Filing System," presented at Symposium entitled "'Managing the Paper Trial': Evaluating and Reforming the Article Nine Filing System." University of Minnesota School of Law, October 1995.

Moderator and Program Coordinator, "The Bankruptcy Impact of Commercial Law Property Interests," AALS Annual Meeting, San Francisco, California, January 1993; Moderator and Program Co-Coordinator, "Getting Graphic: Using Visuals to Teach Bankruptcy and Commercial Law Courses," AALS Annual Meeting, San Francisco, California, January 1993.

Panelist, "Application of the Uniform Fraudulent Transfer Act to Leveraged Buyouts," AALS Annual Meeting, New Orleans, Louisiana, January 1989.

PROFESSIONAL ACTIVITIES

Law School Accreditation Activities

Chair, ABA/AALS Site Inspection Team. University of California-Davis School of Law, October, 2017.

Chair, ABA/AALS Site Inspection Team, University of Arkansas-Little Rock School of Law, March 2017.

Chair, ABA/AALS Site Inspection Team, Rutgers University – Newark School of Law,

March 2013.

Chair, ABA/AALS Site Inspection Team, University of Pittsburgh School of Law, March 2011.

Chair, AALS Site Inspection Team, Part Time (Evening) Program, Stetson University College of Law, October 2004.

Member and AALS Representative, ABA/AALS Site Inspection Team, Fordham University School of Law, March 2016.

Member and AALS Reporter, ABA/AALS Site Inspection Team, University of Washington School of Law, May 2011.

Member and AALS Reporter, ABA/AALS Site Inspection Team, South Texas College of Law, March 2010.

Member and AALS Summarian, ABA/AALS Site Inspection Team, University of Miami School of Law, March 2007.

Member and AALS Summarian, ABA/AALS Site Inspection Team, Albany Law School, April 2006.

Member and AALS Summarian, ABA/AALS Site Inspection Team, University of Connecticut School of Law, April 2004.

Member and AALS Summarian, ABA/AALS Site Inspection Team, University of Minnesota School of Law, April 2002.

Member and AALS Summarian, ABA/AALS Site Inspection Team, The Pennsylvania State University-Dickinson School of Law, March 2001.

Member and AALS Summarian, ABA/AALS Site Inspection Team, University of Toledo College of Law, February 2000.

Member, AALS Site Inspection Team, New England School of Law, March 1994.

Member, ABA Site Inspection Team, St. Thomas University School of Law, April 1994.

Member, ABA Site Inspection Team, Bridgeport School of Law at Quinnipiac College, April 1993.

Member, ABA/AALS Site Inspection Team, University of South Dakota School of Law, October 1991.

Review Board

Member, 2013 Brown Award for Excellence in Legal Writing.

Member, AALS Scholarly Paper Review Committee, 1997.

Professional Appointments

Editor-in-Chief, Journal of Bankruptcy Law and Practice, 1991-2005.

Reporter, Alabama U.C.C. Article 2A - Personal Property Leasing Statute.

American Law Institute

Elected Member, American Law Institute, since 1988; Life Member, since 2013.

Member, Members' Consultative Group, American Law Institute Restatement of the Law (Third) Contracts (Consumer Contracting), since 2013.

Adviser, American Law Institute Restatement of the Law (Third) Suretyship and Guaranty.

Member, U.C.C. Permanent Editorial Board Article 9 Study Committee Filing System Advisory Committee, 1992.

Member, American Law Institute Restatement of Suretyship Preliminary Study Committee, 1989.

American Bar Association

Chair, American Bar Association U.C.C. Article 9 Filing System Task Force, 1989-92.

Member, Committee on Uniform Commercial Code, American Bar Association, 1986-92.

Association of American Law Schools

Liaison, AALS Section on Commercial and Related Consumer Law to American Law Institute's U.C.C. Article 9 Drafting Committee, 1994-97.

Member, Executive Committee, AALS Section on Commercial and Related Consumer Law, 1992.

Chair, AALS Section on Creditors' and Debtors' Rights, 1992 (Chair-elect, 1991).

Continuing Legal Education

Speaker, "Practicing Under a Revised Article 9 Filing System," Washington, D.C., October, 1996.

Speaker, "Pending Revision of the Article 9 Filing System," Uniform Commercial Code Institute, Washington, D.C., October, 1994.

Speaker, "Reform of the Article 9 Filing System," Uniform Commercial Code Institute, Washington, D.C., October, 1993.

Speaker, "Fraudulent Transfers and Preferences," Tidewater Bar Association - Bankruptcy Section, October, 1992.

Speaker, "The Expanding Scope of Fraudulent Disposition Law," Uniform Commercial Code Institute, New York, New York, October, 1990.

Speaker, "Consumer Issues in the Payment System" and "Theories of Lender Liability," in Consumer Law Program sponsored by the Alabama Bar Institute - Continuing Legal Education, February, 1990.

Speaker, "Federal Reserve Board Regulation CC," in Banking Law Program sponsored by the Alabama Bar Institute - Continuing Legal Education, March, 1989.

Speaker, "Proposed Revisions of the Uniform Commercial Code," in Commercial Law Program sponsored by the Alabama Bar Institute - Continuing Legal Education, February, 1989.

Speaker, "New Payment Systems," in Commercial Paper Program sponsored by the Alabama Bar Institute - Continuing Legal Education, January, 1985.

Speaker, "Real Estate Interests in Bankruptcy," in Real Estate Litigation Program sponsored by the Illinois Institute for Continuing Legal Education, July, 1981 (two presentations).

Other

Program Moderator, "Access to and Within the Academy," Mid-Atlantic Regional People of Color Conference, February, 2003, Lexington, Virginia.

Panelist, Reform of the U.C.C. Article 9 Filing System, International Association of Corporation Administrators, Portsmouth, New Hampshire, June, 1992.

Assisted Court-Appointed Appellate Counsel, Representing Indigent Criminal Defendants Before the United States Court of Appeals for the Eleventh Circuit, 1983-85.

Participant, Uniform New Payments Code Invitational Conference, Williamsburg, Virginia, September, 1983.

ADMINISTRATIVE SERVICE

Law School Administrative Responsibilities

Administrator, School of Law, College of William and Mary Summer Program, Madrid, Spain, 1994.

Chair, School of Law, College of William and Mary, Law Library Director Search Committee, 2018.

Chair, School of Law, College of William and Mary Office of Career Services Associate Dean Search Committee, 2012.

Chair, School of Law, College of William and Mary Faculty Status (Tenure and Promotion) Committee, 1997-98; 2013-14; Member, Spring 1999; 2012-14; 2016-18: Elected by Faculty.

Chair, School of Law, College of William and Mary Faculty Appointments Committee, 1993-94, 2002-04, 2006-07, 2010-11; Member 1991-96, Fall 2007, 2009-10: Elected by Faculty. Member 2005-06: Appointed by Dean.

Chair, School of Law, College of William and Mary Library Renovation Committee, 2002-03, Member 2003 to 2005.

Chair, School of Law, College of William and Mary Ad Hoc Technology Committee, 1996.

Chair, School of Law, College of William and Mary Library Committee, 1995-99.

Member, School of Law, College of William & Mary Curriculum Committee, fall 2018.

Member, School of Law, College of William & Mary Building Committee, 2010-15.

Member, School of Law, College of William and Mary Dean Search Committee, 1997-98: Appointed by Provost.

Member, School of Law, College of William and Mary Academic Affairs Committee, 1996-97; 1998-99.

Member, School of Law, College of William and Mary Dean's Advisory Committee, 1997-98; 2001-02: Elected by Faculty. Member 2009-10, 2011-12: Appointed by Dean.

Member, School of Law, College of William and Mary Disciplinary Committee, 1995-97; 1998-99.

Member, School of Law, College of William and Mary Admissions Committee, 1996-97.

Member, School of Law, College of William and Mary Faculty Enrichment Committee, 1991-93.

Chair, University of Alabama School of Law Ad Hoc Grading Standards Committee, 1989-90.

Member, University of Alabama School of Law Master of Comparative Laws Program Admissions Committee, 1989-90.

Member, University of Alabama School of Law Tenure, Development, and Promotion Committee, 1988-90.

Member, University of Alabama School of Law Curriculum Committee, 1985-86; 1988-89.

Member, University of Alabama School of Law Appointments Committee, 1983-85; 1986-87.

Member, University of Alabama School of Law Faculty Colloquium Committee, 1985-87.

Member, University of Alabama School of Law Self-Study Committee, 1984-85.

Member, Business Law Subcommittee, University of Alabama School of Law Curriculum Committee, 1983-84.

University-Wide Administrative Responsibilities

Secretary, College of William and Mary Faculty Assembly, 1997-98 (Member of Executive Committee, Member of Board of Visitors Liaison Committee 1997-99). Elected by Assembly Membership.

Chair, College of William and Mary Concert Committee, 1995-98. Member, 1994-95.

Member, College of William and Mary Faculty Hearing Committee, 2003-04. Elected by Law Faculty.

Member, College of William and Mary Procedural Review Committee, 2002-03.

Member, College of William and Mary Faculty Senate, 1996-99. Elected by Law Faculty.

Member, College of William and Mary Committee on Committees, 1996-97.

Member, College of William and Mary Faculty Research Committee, 1993-96.

Member, College of William and Mary Faculty Subcommittee, College Self-Study Committee, 1993-94 (Chair, Faculty Appointments Working Group).

REFERENCES AVAILABLE UPON REQUEST