

# Tom W. Bell

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**SUMMARY:** Scholar, legal consultant, and practicing attorney. Specializations include special jurisdictions, copyright and internet law, and business organizations. Energetic, creative, orderly, and sociable.

## ACADEMIC WORK EXPERIENCE

**Chapman University School of Law: Professor** (1998-present)

Courses: Contracts; Property; Torts; many various courses covering intellectual property and entertainment law, domestic and international; Internet Law; Corporations; Agency, Partnership, & Unincorporated Business Organizations; Law and Economics

**University of San Diego School of Law: Visiting Associate Professor** (2000-01)

Courses: Intellectual Property; Internet Law; Contracts I

**University of Dayton School of Law: Assistant Professor** (1995-97)

Courses: Copyright and Trademark Law; International Intellectual Property; The Law of Cyberspace; Agency & Partnership

## LEGAL & PUBLIC POLICY WORK EXPERIENCE

**Consulting:** Legal advisor on private governance and special jurisdiction projects in the United States, Central America, and Western Asia. Consultant and expert witness in high-tech and intellectual property law disputes. Quantitative and statistical analysis of *U.S. News and World Report* law school rankings for schools from bottom to top tier.

**Cato Institute: Director of Telecommunications and Technology Studies,** Washington, DC (1997-98). Analyzed public policy, met with press, supervised research of staff and outside scholars, managed conferences and public presentations, directed program.

**Harkins Cunningham: Associate Attorney,** Washington, DC (1994-95). Practiced administrative law and complex business litigation, with special emphasis on large, regulated infrastructure industries. Drafted legislation shutting down Interstate Commerce Commission and deregulating rail industry.

**Wilson, Sonsini, Goodrich & Rosati: Associate Attorney,** Palo Alto, CA (1993-94). Conducted intellectual property, general business, employment, and securities litigation in state and federal courts. Made court appearances, authored briefs and pleadings, met with clients and opposing counsel, and directed and conducted discovery.

**BOOKS**

- YOUR NEXT GOVERNMENT? FROM THE NATION STATE TO STATELESS NATIONS (Cambridge University Press, 2018); updated audiobook version recorded in 2020
- INTELLECTUAL PRIVILEGE: COPYRIGHT, COMMON LAW, AND THE COMMON GOOD (Mercatus Center, 2014)
- REGULATORS' REVENGE (Cato Institute, Tom W. Bell & Solveig Singleton, eds., 1998)

**SELECT ACADEMIC ARTICLES**

- The Catawba Digital Economic Zone: A Native American SEZ*, 3 J. SPECIAL JURISDICTIONS 25 (2022), <https://ssrn.com/abstract=4283973>
- Common Law Zones: An Illustrated Review*, 2 J. SPECIAL JURISDICTIONS 57 (2021), [https://papers.ssrn.com/abstract\\_id=4141500](https://papers.ssrn.com/abstract_id=4141500)
- Blockchain and Authoritarianism: The Evolution of Decentralized Autonomous Organizations*, in BLOCKCHAIN AND PUBLIC LAW: GLOBAL CHALLENGES IN THE ERA OF DECENTRALIZATION 90-104 (Oreste Pollicino & Giovanni De Gregorio, eds.; Elgar 2021)
- Ulex: Open Source Law for Non-Territorial Governance*, 1 J. SPECIAL JURISDICTIONS 1 (2020)
- Special International Zones in Practice and Theory*, 21 CHAPMAN L. REV. 273 (2018)
- Law, Governance, and International Relations of Seasteads*, in SEASTEADS: OPPORTUNITIES AND CHALLENGES FOR SMALL NEW SOCIETIES 159 (Victor Tiberius, ed., 2017)
- Special Economic Zones in the United States: From Colonial Charters, to Foreign-Trade Zones, Toward USSEZs*, 64 BUFFALO L. REV. 959 (2016)
- Unconstitutional Quartering, Governmental Immunity, and Van Halen's Brown M&M Test*, 82 TENN. L. REV. 497 (2015) (invited)
- Copyright Porn Trolls, Wasting Taxi Medallions, and the Propriety of "Property,"* 18 CHAPMAN L. REV. 799 (2015) (invited)
- What Can Corporations Teach Governments About Democratic Equality?* 31:2 SOC. PHIL. & POL. 230 (2015) (invited); *republished in*, EQUALITY AND PUBLIC POLICY 230 (M. LeBar, A. Davies, & D. Schmitz, eds., Cambridge Univ. Press, 2015)
- The Constitution as if Consent Mattered*, 16 CHAPMAN L. REV. 269 (2013) (invited)

- Principles of Contracts for Governing Services*, 21 GRIFFITH L. REV. 472 (2012) (invited)
- "Property" in the Constitution: *The View from the Third Amendment*, 20 WILLIAM & MARY BILL OF RIGHTS J. 1243 (2012) (invited)
- Government Prediction Markets: Why, Who, and How*, 116 PENN. ST. L. REV. 403 (2011)
- Graduated Consent in Contract and Tort Law: Toward a Theory of Justification*, 61 CASE WESTERN L. REV. 17 (2010)
- Private Prediction Markets and the Law*, 3 J. PREDICTION MARKETS 89 (2009) (invited)
- Codifying Copyright's Misuse Defense*, 2007 UTAH L. REV. 573 (2007) (invited)
- Copyright as Intellectual Property Privilege*, 58 SYRACUSE L. REV. 523 (2007) (invited)
- Prediction Markets for Promoting the Progress of Science and the Useful Arts*, 14 GEO. MASON L. REV. 37 (2006)
- Misunderestimating Dastar: How the Supreme Court Unwittingly Revolutionized Copyright Preemption*, 65 MARYLAND L. REV. 206 (2006)
- Treason, Technology, and Freedom of Expression*, 37 A.S.U. L. REV. 1 (2005)
- Authors' Welfare: Copyright as a Statutory Mechanism for Redistributing Rights*, 69 BROOKLYN L. REV. 229 (2003)
- Free Speech, Strict Scrutiny, and Self-Help: How Technology Upgrades Constitutional Jurisprudence*, 87 U. MINN. L. REV. 751 (2003)
- Gambling for the Good, Trading for the Future: The Legality of Markets in Science Claims*, 5 CHAPMAN L. REV. 159 (2002)
- Escape from Copyright: Market Success vs. Statutory Failure in the Protection of Expressive Works*, 69 U. CIN. L. REV. 741 (2001)
- INTERNET PRIVACY AND SELF-REGULATION: LESSONS FROM THE PORN WARS (Cato Institute, Policy Briefing # 65, 2001)
- The Common Law in Cyberspace*, 97 MICH. L. REV. 1601 (1999) (review)
- Fair Use vs. Fared Use: The Impact of Automated Rights Management on Copyright's Fair Use Doctrine*, 76 N. CAROLINA L. REV. 557 (1998)
- Virtual Trade Dress: A Very Real Problem*, 56 U. MARYLAND L. REV. 382 (1997)
- The Third Amendment: Forgotten But Not Gone*, 2 WM. & MARY BILL OF RIGHTS J. 117 (1993)

## CONGRESSIONAL TESTIMONY

*Internet Gambling: Prohibition v. Legalization*, Testimony Before the National Gambling Impact Study Commission, Chicago, IL (May 21, 1998)

## REGULATORY PROCEEDINGS

Tom W. Bell, et al., *Joint Comment on CFTC Concept Release on the Appropriate Regulatory Treatment of Event Contracts*, July 6, 2008 (response to request for comments co-signed by 19 academics, professional traders, and laypeople)

## SELECT POPULAR PUBLICATIONS

*Reopen California's Institutions of Higher Learning*, THE RECORDER, 10 September 2020, at <https://www.law.com/therecorder/2020/09/10/re-open-californias-institutions-of-higher-learning/>

*COVID-19 Lockdown Orders Must Get Habeas Corpus Review*, THE RECORDER, April 22, 2020, at <https://www.law.com/therecorder/2020/04/22/covid-19-lockdown-orders-must-get-habeas-corpus-review/>

*When Governments Suspend Their Own Rules*, REASON, February 2018, at <https://reason.com/archives/2018/02/18/when-governments-suspend-their-own-rules> (reviewing LOTTA MOBERG, *THE POLITICAL ECONOMY OF SPECIAL ECONOMIC ZONES* (Routledge 2017)).

*As Newton Meets the A-Bomb, So Locke Meets Copyright*, ONLINE LIBRARY OF LAW & LIBERTY, May 17, 2015, at <http://www.libertylawsite.org/liberty-forum/as-newton-meets-the-a-bomb-so-locke-meets-copyright/>

## THE FREEMAN, *Rules Over Rulers* columns

*What is Polycentric Law?* THE FREEMAN, February 26, 2014, at [http://www.fee.org/the\\_freeman/detail/what-is-polycentric-law](http://www.fee.org/the_freeman/detail/what-is-polycentric-law)

*Want to Own a City?* THE FREEMAN, August 14, 2013, at [http://www.fee.org/the\\_freeman/detail/want-to-own-a-city](http://www.fee.org/the_freeman/detail/want-to-own-a-city)

*Startup City Redux Honduras: from RED to ZEDE to ... Freedom?* THE FREEMAN, June 27, 2013, at [http://www.fee.org/the\\_freeman/detail/startup-city-redux](http://www.fee.org/the_freeman/detail/startup-city-redux)

*Can We Correct Democracy?* THE FREEMAN, June 04, 2013, at [http://www.fee.org/the\\_freeman/detail/can-we-correct-democracy](http://www.fee.org/the_freeman/detail/can-we-correct-democracy)

*For Safer Streets, Use Fairer Courts*, THE FREEMAN, May 2, 2013, at [http://www.fee.org/the\\_freeman/detail/for-safer-streets-use-fairer-courts](http://www.fee.org/the_freeman/detail/for-safer-streets-use-fairer-courts)

*Fordlandia: Henry Ford's Amazon Dystopia*, THE FREEMAN, April 2013, pp. 19-21, available at [http://www.fee.org/the\\_freeman/detail/fordlandia-henry-fords-amazon-dystopia](http://www.fee.org/the_freeman/detail/fordlandia-henry-fords-amazon-dystopia)

*No Exit: Are Honduran Free Cities DOA?* THE FREEMAN, November 26, 2012, at [http://www.fee.org/the\\_freeman/detail/no-exit-are-honduran-free-cities-doa](http://www.fee.org/the_freeman/detail/no-exit-are-honduran-free-cities-doa)

*"Startup Cities," Honduras, and Experiments in Freedom*, REASONTV, August 5, 2013, <http://reason.com/reasontv/2013/08/05/startup-cities-honduras-and-experiments> (wrote and presented)

*How We Will Outgrow Copyright*, NATIONAL REVIEW, May 6, 2014, 4:00 a.m., at <http://www.nationalreview.com/article/377305/how-we-will-outgrow-copyright-tom-w-bell>

*Cracking the Tax Code*, CINCINNATI ENQUIRER, April 14, 2002; also ran as DAILY COMMENTARY, April 15, 2002 (Cato Institute)

*All's Not Fair in Internet Tax Wars*, L.A. DAILY JOURNAL, February 1, 2001, at 6

*Gambler's Web*, REASON, October, 1999, at 25

*Polycentric Law in the New Millennium*, 1<sup>st</sup> Prize, Mont Pelerin Society's Hayek Essay Contest, Presented at 50th Anniv. Meeting of the Society (September 4, 1998)

*Internet Gambling: Impossible to Stop, Wrong to Outlaw*, REGULATION Vol.21, No. 1, 1998, at 16

*Digital Oral Culture*, 4.06 WIRED 121 (1996)

*Anonymous Speech*, 3.10 WIRED 80 (1995)

Comment, *Limits on the Privity and Assignment of Legal Malpractice Claims*, 59 U. CHI. L. REV. 1533 (1992)

## SELECT VIDEOS

*Freedom of Speech: How is Offensive Speech Good for Society?* LEARNLIBERTY, July 29, 2014, LEARNLIBERTY, April 4, 2011, <http://www.youtube.com/watch?v=aPICY2SXgn0> (wrote and performed)

*Entrepreneur's Survival Guide to Trademarks, Patents, & More*, UDEMY, launched November, 2014, at <https://www.udemy.com/entrepreneurs-survival-guide/> (wrote and performed 22 videos and many accompanying assessments in free MOOC)

*"Startup Cities," Honduras, and Experiments in Freedom*, REASONTV, August 5, 2013, <http://reason.com/reasontv/2013/08/05/startup-cities-honduras-and-experiments> (wrote and presented)

*Can Order be Unplanned?* LEARNLIBERTY, April 4, 2011,  
<http://www.youtube.com/watch?v=aPICY2SXgn0> (wrote and performed)

*The Power of Property Rights*, LEARNLIBERTY, March 3, 2011,  
<http://www.youtube.com/watch?v=jnjPFZV8Wqo> (wrote and performed)

*The Rule of Law*, LEARNLIBERTY, February 18, 2011,  
<http://www.youtube.com/watch?v=XAJVu9LK7WE> (wrote and performed)

## SELECT INTERVIEWS, PRESENTATIONS, AND CONFERENCES

Philip Morgan, "The Constitution's ignored stepchild: the Third Amendment," *The Legal Examiner*, August 7, 2020 (interviewed and quoted at length)  
<https://www.legalexaminer.news/2020/08/the-constitutions-ignored-stepchild-the-third-amendment/>

Gregory Thomas, *Burning Man on Boats?* *San Francisco Chronicle*, 14 Aug. 2019,  
<https://www.sfchronicle.com/travel/article/Ephemerisle-is-Burning-Man-on-boats-in-the-14301730.php> (quoted)

*The Most Perfect Album: Episode 1*, MORE PERFECT, WYNC, 18 September 2018  
(interviewed about Third Amendment) at  
<https://www.wnycstudios.org/story/most-perfect-album-episode-one-first-second-third-amendments> (from 30:30 minute mark)

*Special economic zones: Political priority, economic gamble*, THE ECONOMIST, April 4, 2015 (data cited in print and online editions)  
<http://www.economist.com/news/finance-and-economics/21647630-free-trade-zones-are-more-popular-everwith-politicians-if-not>

*We Don't Need More Copyright - Tom W. Bell on Intellectual Property*, REASONTV, July 17, 2014, <http://reason.com/reasontv/2014/07/17/professor-says-copyright-law-needs-to-st>

*Reliable Authority in the Digital Age*, Federal Judicial Center Workshop for Judges of the Ninth Circuit, Huntington Beach, CA, January 26, 2008 (panel discussion)

Amir Efrati, *Law School Rankings Reviewed to Deter 'Gaming,'* WALL STREET JOURNAL, August 26, 2008, at A1 (research cited and discussed)

*The Theory and Practice of Pedagogical Fun*, AALS 2006 Mid-Year Meeting: Conference on New Ideas for Law School Teachers, Vancouver, BC, Canada, June 12, 2006

*How Private Alternatives to Copyright can Render It Unconstitutional*, AALS 2004 Annual Meeting, Section on Constitutional Law, Atlanta, Georgia, Tuesday, January 6, 2004

Jim Giles, *Wanna Bet?* NATURE, November 28, 2002, at 354 (quoted)

- Declan McCullagh, *Anti-Copy Bill Slams Coders*, WIRED NEWS, March 22, 2002 (quoted)
- Drew Clark, *Software Freedom Fighters*, NAT'L JOURNAL, July 28, 2001, p. 2839 (quoted)
- Theo Mullen, *A Haven For Net Lawbreakers?* INTERNETWEEK, June 19, 2000 (quoted)
- Steve Frank, *Business Center*, CNBC, August 23, 1999 (televised recorded interview)
- Jason L. Riley, *Will Uncle Sam Trump Internet Gamblers?* WALL STREET JOURNAL, May 14, 1999, at A14 (quoted)
- Brad Knickerbocker, *For Many Teens, Gambling Starts at Home*, THE CHRISTIAN SCIENCE MONITOR, January 7, 1999, at 3 (quoted)
- Wendy R. Leibowitz, *Senate Bans Most 'Net Gambling; Many Bet on Poor Enforcement*, THE NATIONAL LAW JOURNAL, August 10, 1998, at B6 (quoted)
- Jube Shiver, *Cable TV Faces New Threat of Rate Controls*, LOS ANGELES TIMES, July 31, 1998 (quoted)
- Editorial, *Freeing Up Cyberspace*, INVESTOR'S BUSINESS DAILY, June 17, 1998, A34 (quoted)
- John Schwartz, *The Net Impact of the New Copyright Bill*, WASHINGTON POST, May 18, 1998, at F27 (quoted)
- Moneyweek*, CNN, March 15, 1998 (interviewed)
- Paul Van Slambrouck, *High Tech Enters Awkward Teenhood*, THE CHRISTIAN SCIENCE MONITOR, January 7, 1998 (quoted)
- John Hanchette, *Business Mergers Boom During 1997 but Experts Say Monopolies not Likely Outcome*, USA TODAY, December 11, 1997, at 5B (quoted)
- Nightly Business Report*, PBS, July 1, 1997 (interviewed)
- All Things Considered: Report on Internet Crime*, NPR, November 11, 1996 (interviewed)

## EDUCATION

### University of Chicago Law School

- Degree: J.D. (1993)
- Activities: Staff Member, *University of Chicago Law Review*  
Articles Editor (founding), *Univ. of Chicago Legal Roundtable*
- Awards: Casper Platt Award for Most Outstanding Student Paper  
Moral Obligation Scholarship  
Claude R. Lambe Fellowship  
Leonard P. Cassidy Fellowship  
Humane Studies Foundation Summer Residential Fellowship

**University of Southern California**

Degree: M.A. in Philosophy (1989)  
Awards: Humanities Dean's Graduate Fellowship

**University of Kansas/Université de Nice, France**

Degree: B.A. in Philosophy, with Honors (1987)  
Activities: Co-editor, *Premise* (KU journal of philosophy)  
Art Director, *Reflections of Study Abroad* (KU magazine)  
Awards: Summerfield Scholarship  
Chancellor's Club Scholarship  
International Study Abroad Award (at L'Univ. de Nice)

**SERVICE IN LAW SCHOOL AND UNIVERSITY GOVERNANCE** (past and present)

Member, Dean Search Committee; Chair, Curriculum Committee; Member, ABA Site Visit Team; Chair, Committee on Long Range Planning; Chair, Learning Outcomes Assessment Committee; Chair of Subcommittee or Member of many various Promotion, Rank, and Tenure Committees; Member, Law Review Advisory Council; Member, Faculty Grievance Committee; Member, Ad Hoc Committee on Entertainment Law Certificate Program; Chair & Member, Appointments Committee; Senator, Chapman University Faculty Senate; Chair, Promotion, Rank, and Tenure Committee; Chair, Admissions Committee; Chair, Committee on Teaching Effectiveness and Scholarship; Chair, Library Committee; and Member, Honor Council

**SERVICE IN SELECT PROFESSIONAL AND CHARITABLE GROUPS**

Academic Director and Co-Founder, Institute for Competitive Governance (2017-present)  
Editor-in-Chief, JOURNAL OF SPECIAL JURISDICTIONS (2019-present)  
Advisor, Pronomos Capital (2019-present)  
Legal Advisor, The Seasteading Institute (2017-present)  
Member, American Bar Association (1993-present)  
Member, California Bar (#167639) (1993-present)  
Member, American Intellectual Property Law Association (2004-present)  
Member, Technology Committee, American Bar Association, (1998-2002)

**SELECT INVENTIONS**

*Biaxial Idler for Continuously Variable Transmission*, U.S. Utility Patent No. 5,538,484 (July 23, 1996) (application made *pro se*)  
*Semi-Prone Bicycle*, U.S. Provisional Application for Utility Patent, No. 06/015856 (May 28, 1996) (*pro se*)