

**RICHARD G. KUNKEL, J.D.**

**ASSOCIATE PROFESSOR, DEPARTMENT OF ETHICS AND BUSINESS LAW**

Email: rgkunkel@stthomas.edu

Campus Mail No. MCH 316

Office Telephone: (651) 962-5132

**EDUCATION:**

- Law School:*           **UNIVERSITY OF MINNESOTA LAW SCHOOL**  
Minneapolis, Minnesota  
Juris Doctor, 1984.  
Dean's List; Director, National Moot Court Program
- Undergraduate:*       **UNIVERSITY OF ST. THOMAS**, Saint Paul, Minnesota.  
Bachelor of Arts in Speech Communications, 1980.  
*Magna Cum Laude*  
Dean's List; Delta Epsilon Sigma, All College Council.

**POSITIONS AND APPOINTMENTS HELD:**

- September 1990-  
Present*           **UNIVERSITY OF ST. THOMAS**, Saint Paul, Minnesota.  
Associate Professor, 1997-Present.  
Assistant Professor, 1990-97.  
Department of Ethics and Business Law  
Chair, 2001- 2003, Acting Chair, 1996-97
- Chair of the Faculty, 2006-07*  
*Distinguished Educator Award, 1997.*  
*Faculty Director, London Business Semester 2004, 2010.*  
*Bush Grant, 2002.*  
*Chair, Faculty Affairs Committee, 1997-98, Member 1994-98.*  
*University Senator, 1994 - 99; 2005-06*
- January 1993 -  
December 1993*   **CURTIN UNIVERSITY OF TECHNOLOGY**, Perth, Western Australia  
*Visiting Teaching Fellow*, School of Business Law.  
Lectured in Contract Law, Real Property Law; Guest lectured in International Law course;  
Conducted seminars for the School of Business Law, Curtin Business School and  
Computing Centre.
- July 2000-  
July 2001*           *Visiting Fellow*, School of Business Law and Graduate School of Business (during sabbatical)
- November 1988-  
August 1990*       **MINNESOTA CONTINUING LEGAL EDUCATION**, St. Paul, Minnesota.  
Program Attorney. Organized, developed, marketed, conducted and taught seminars for  
Minnesota attorneys' continuing legal education.
- May 1986-November  
1988*               **JENSEN, WEYLAND & MCCLOSKEY, P.A.**, Brooklyn Park, Minnesota.  
Associate with 11-attorney firm concentrating in real property and commercial law.
- September 1984-  
May 1986*           **MOORE, COSTELLO & HART**, Saint Paul, Minnesota.  
Associate with 28-attorney firm, concentrating in real property, construction law, and  
litigation.

**HONORS AND  
AWARDS**

DISTINGUISHED EDUCATOR AWARD, 1997

**COURSES TAUGHT  
LAST SIX YEARS**

BLAW 401 – Legal Research, Advocacy and Dispute Resolution  
BLAW 301 – Legal Environment of Business (Both in St. Paul and in the London Semester)  
BLAW 304 – Real Estate Law  
BLAW 730 – Legal Issues in Real Estate  
IDSC 397 – E-Commerce in Australia – Legal Principles and Business Practices (Study Abroad J-Term Course, January 2009 and January 2010).  
IDSC 480 – Law and Literature, Aquinas Scholars Honors Program, with Dr. Michael Scham

**REFEREED  
PUBLICATIONS**

“INDIFFERENCE AND SECONDARY LIABILITY FOR COPYRIGHT INFRINGEMENT”, *Santa Clara High Technology Law Journal*, Volume 33, Number 1, Winter 2016 (2016)

“PROTECTING CONSUMERS FROM SPYWARE: A PROPOSED DIGITAL TRESPASS ACT”, *John Marshall Journal of Computer and Information Law*, Volume 28, Number 2, October 2016 (2016).

“STRENGTHENING CREDIT FREEZE LEGISLATION IN THE STATES: EMPOWERING CONSUMER TO PREVENT ECONOMIC LOSS FROM IDENTITY THEFT”, *Midwest Law Review*, Volume 23, (2010).

“RECENT DEVELOPMENTS IN SHRINKWRAP, CLICKWRAP AND BROWSEWRAP LICENSES”, Published in *E-Law: Murdoch University Electronic Journal of Law*, Volume 9, Number 3, September 2002, a double-blind refereed journal of the Murdoch University School of Law in Perth, Western Australia; <http://www.murdoch.edu.au/elaw/>

“USING TECHNOLOGY AND CONSTRUCTIVISM IN BUSINESS LAW: FIRST YEAR LESSONS”, Published in the Proceedings of *EdMedia 2002: World Conference on Educational Multimedia, Hypermedia and Telecommunications*, Denver, Colorado, June 2002.

“BUILDING THE LEGAL INFRASTRUCTURE FOR GLOBAL ELECTRONIC COMMERCE: PRIVACY, ELECTRONIC SIGNATURES AND CONSUMER PROTECTION”  
Published in the Proceedings of the Annual Meeting of the Academy of Legal Studies in Albuquerque, New Mexico, August 8-12, 2001. Paper presented at the conference.

“E-COMMERCE DEVELOPMENTS IN AUSTRALASIA AND BEYOND”  
Proceedings of the Australasian Law Teachers Association Annual Conference, University of South Pacific Law School, Vanuatu, July 2-4, 2001.

AUSTRALIA’S PRIVACY ACT: THE IMPACT ON SPORTS ORGANISATIONS  
*Legal Issues in Business*, Vol. 3, 2001, published by Curtin Business School, Curtin University of Technology, Perth Western, Australia.  
<http://www.cbs.curtin.edu.au/business/research/journals/legal-issues-in-business>

“USING TECHNOLOGY FOR INTERACTIVE AND FLEXIBLE LEARNING IN BUSINESS LAW”  
Published in “Open Learning 2000: Generating Opportunities”, proceedings of the 4<sup>th</sup> International Conference of Learning Network Queensland, Brisbane, Queensland,

December 6-8, 2000.

“SHIFTING THE PARADIGM IN BUSINESS LAW TEACHING: FROM CONTENT DELIVERY TO CONSTRUCTIVIST LEARNING”

Published in “ASCILITE 2000: Learning to Choose, Choosing to Learn”, Proceedings of the Annual Meeting of the Australasian Society for Computers in Learning in Tertiary Education (ASCILITE), Coffs Harbour, New South Wales, December 10 – 12, 2000.

"LESSONS LEARNED THE HARD WAY: ENCOUNTERING A FEW POTHOLES WHILE TAKING A COURSE ONTO THE INFORMATION SUPERHIGHWAY"

Published in C. McBeath & R. Atkinson (Eds.), *Educational Technology: Planning for Progress, Partnership and Profit, Proceedings of "EdTech '98"*, and presented at the Biennial Conference of the Australian Society for Educational Technology, Perth, Western Australia (electronic proceedings edition).

“TWO COUNTRIES, TWO CLASS SIZES, ONE TEACHING METHOD”

Published in C. McBeath & R. Atkinson (Eds.), *The Learning Superhighway: New World? New Worries? Proceedings of the Third International Interactive Multimedia Symposium*. (pp. 213-220). Perth Western Australia: Promaco Conventions.

“THE PERSONAL COMPUTER AS A BUSINESS LAW TEACHING TOOL”.

Published in *Australian Educational Computing*, the National Journal of the Australian Council for Computers in Education; Vol. 8, ACEC '93 Edition, July 1993.

“FEDERAL RESERVED WATER RIGHTS IN RIPARIAN STATES”.

Published in the refereed proceedings of the ALSB Annual Meeting, *Academy of Legal Studies in Business National Proceedings, 1992*.

#### CONFERENCE PRESENTATIONS

“IRELAND'S PROPOSED SPECIALIST COPYRIGHT EXCEPTION FOR INNOVATION”, presented at the Intellectual Property Academic's Conference, in Fremantle Western Australia, February 2-5, 2016.

“ ‘SPECIFICALLY IRISH’ COPYRIGHT LAW REFORM”, presented at the Academy of Legal Studies in Business National Conference, Seattle, Washington, August 2014. (BD/DBS)

“AN EMERGING GLOBAL CONSENSUS FOR COPYRIGHT LAW REFORM”, presented at the Canadian Academy of Legal Studies in Business Conference, Toronto, Canada, May 2014.

“FAIR USE IN AUSTRALIA? FAIR DINKUM!”, presented at the Academy of Legal Studies in Business National Conference in Boston, Massachusetts, August 2013.

“INTERNET SERVICE PROVIDER SECONDARY LIABILITY FOR COPYRIGHT INFRINGEMENT CONSTRAINED: THE AUSTRALIAN HIGH COURT DECISION IN *ROADSHOW FILMS PTY LIMITED V IINET LIMITED*”, presented at the Academy of Legal Studies in Business National Conference in Kansas City Missouri, August

2012.

SECONDARY LIABILITY FOR COPYRIGHT INFRINGEMENT OF INTERNET SERVICE PROVIDERS", presented at the Academy of Legal Studies in Business National Conference in New Orleans, Louisiana, August 2011.

"INTERNET SERVICE PROVIDER LIABILITY FOR COPYRIGHT INFRINGEMENT IN AUSTRALIA: ROADSHOW FILMS PTY LTD V IINET LIMITED," presented at the Academy of Legal Studies in Business National Conference, Richmond, Virginia, August 2010.

"E-COMMERCE LAW IN AUSTRALIA AND THE UNITED STATES", Presented at the Academy of Legal Studies in Business National Conference, Long Beach, California, August 2009. (with Michael J. Garrison).

"DEFINING REAL LEGAL PROTECTIONS FOR PROPERTY IN A VIRTUAL WORLD", Presented at the Academy of Legal Studies in Business National Conference, Indianapolis, Indiana, August 2007.

"CREDIT FREEZE LEGISLATION IN THE STATES: A NEW TOOL TO LIMIT THE RISKS OF IDENTITY THEFT"  
Paper presented at the Academy of Legal Studies in Business, San Francisco, California, August 2-7 2005.

"RECENT DEVELOPMENTS IN INFORMATION SECURITY LAW"  
Paper presented at the Pacific Northwest Academy of Legal Studies in Business, Vancouver, British Columbia, April 2005.

"INQUIRY BASED LEARNING AND BUSINESS LAW"  
Presented at the Annual Meeting of the Academy of Legal Studies in Nashville, Tennessee, August 12-16. 2003. Paper presented at the conference.

, TECHNOLOGY AND BUSINESS LAW: A MATCH MADE IN HEAVEN?  
Presented at Classrooms of the Future VIII, sponsored by the Associated Colleges of the Twin Cities, May 22, 2002 at Hamline University.

INVITED PRESENTATION: "THE INTERNET, CONSTRUCTIVISM, AND BUSINESS LAW: NEW TOOLS, NEW RESOURCES, REQUIRE NEW TEACHING"  
Delivered to academic staff of the School of Business Law, and School of Education at Monash University, Melbourne, Victoria, April 18, 2000.

"SIX FEET OF SLUDGE, FILTH AND MUCK: FLOOD RELIEF AND DISASTER RELIEF IN THE RED RIVER VALLEY"  
Paper presented at the 1997 Annual Conference of the Academy of Legal Studies in Business in Atlanta, Georgia, in August, 1997.

"JUST THE FAX, MA'AM: WRITINGS AND SIGNATURES IN THE AGE OF ELECTRONIC COMMERCE"  
Paper was presented at the 1996 Annual Conference of the Academy of Legal Studies in Business in Quebec City, Quebec, Canada, in August, 1996.

***Papers Presented:***

"RESIDENTIAL REAL ESTATE TRANSACTIONS, 1996", Course Chair.  
Presented for attorneys' continuing legal education for Minnesota Continuing Legal Education.

"STUDENT-FACULTY INTERACTION AND BUSINESS LAW PEDAGOGY: LESSONS FROM 400 LUNCHES".

Presented at the Midwest Academy of Legal Studies in Business Annual Meeting, March 1996, Chicago, Illinois.

"A RIVER RUNS THROUGH THEM: WATER RIGHTS IN THE RED RIVER OF THE NORTH"

This paper was presented at the 1995 Annual Conference of the Academy of Legal Studies in Business in Milwaukee, Wisconsin, in August, 1995.

"MABO V. QUEENSLAND: A LEGAL BREAKTHROUGH FOR AUSTRALIAN ABORIGINES".

Presented at the Academy of Legal Studies in Business Annual Meeting, August 1994, in Dallas, Texas.

"USING PRESENTATION SOFTWARE TO TEACH BUSINESS LAW IN LARGE LECTURE GROUPS".

Presented at the Midwest Academy of Legal Studies in Business Annual Meeting, March 1994, Chicago, Illinois.

"THE MACINTOSH AS A BUSINESS LAW TEACHING TOOL".

Presented at the Academy of Legal Studies in Business Annual Meeting, August 1992, in Charleston, South Carolina.

"WHAT IF IT HADN'T RAINED?: WATER RIGHTS IN THE MISSISSIPPI HEADWATERS RESERVOIRS".

Presented at the Academy of Legal Studies in Business Annual Meeting, August 1991, in Portland Maine.

***Educational and Legal Activities:***

- Licensed Attorney in Minnesota, Concentrating in Real Property Law.
- Recognized in 1989 *Martindale-Hubbell Law Directory* with a "bv" rating. (High standards in professional competence and ethics).
- Member, Academy of Legal Studies in Business.
- Member, Midwest Academy of Legal Studies in Business.
- Director, Australian-American Chamber of Commerce, North Central Region, 1995-1996







