

**WAYNE BARNES**  
Texas A&M University School of Law  
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### **ACADEMIC APPOINTMENTS**

**TEXAS A&M UNIVERSITY SCHOOL OF LAW**, Fort Worth, TX (Aug. 2013-present)  
*Professor of Law* (Aug. 2013-present). Teach Contracts, Secured Transactions, Bankruptcy, and Consumer Law.

**TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW**, Fort Worth, TX (2003-Aug. 2013)  
*Professor of Law* (2008-Aug. 2013); *Associate Professor of Law* (2003-2008). Teach Contracts, Secured Transactions, Bankruptcy, and Consumer Law.

### **BOOKS**

DAVID EPSTEIN, WAYNE BARNES, PAULA FRANZESE AND KEVIN TU, *LEARNING BASIC COMMERCIAL LAW CONCEPTS* (2d. Ed. West Academic Publishing 2022)

WHITE, SUMMERS, BARNHIZER, BARNES & SNYDER'S *UNIFORM COMMERCIAL CODE, SEVENTH EDITION* (HORNBOOK SERIES) (West Academic Publishing 2022)

WAYNE BARNES, *A SHORT AND HAPPY GUIDE TO SECURED TRANSACTIONS* (West Academic Publishing 2018)

WHITE, SUMMERS, BARNHIZER, BARNES & SNYDER'S *PRINCIPLES OF SECURED TRANSACTIONS, SECOND EDITION* (CONCISE HORNBOOK SERIES) (West Academic Publishing 2018)

WHITE, SUMMERS, BARNHIZER, BARNES & SNYDER'S *PRINCIPLES OF SALES LAW, SECOND EDITION* (CONCISE HORNBOOK SERIES) (West Academic Publishing 2017)

WHITE, SUMMERS, BARNHIZER, BARNES & SNYDER'S *PRINCIPLES OF PAYMENT SYSTEMS, SECOND EDITION* (CONCISE HORNBOOK SERIES) (West Academic Publishing 2018)

STERLING W. STEVES AND WAYNE BARNES, *THE COMPLETE GUIDE TO MECHANIC'S AND MATERIALMEN'S LIEN LAWS OF TEXAS* (Lexis-Nexis) (updated annually).

### **ARTICLES**

*Shifting Towards Boilerplate Regulation* (work in progress – currently in submission)

*Online Disinhibited Contracts*, 51 PEPPERDINE L. REV. 101 (forthcoming 2024).

*CISG*, 78 THE BUSINESS LAWYER 1295 (2023) (annual survey).

*The Uniform Commercial Code Survey: Introduction*, 78 THE BUSINESS LAWYER 1189 (2023) (co-authored with Jennifer S. Martin and Colin P. Marks)

*The Uniform Commercial Code Survey: Introduction*, 77 THE BUSINESS LAWYER 1239 (2022) (co-authored with Jennifer S. Martin and Colin P. Marks)

*Confidentiality Clauses in Settlement Agreements after the Consumer Review Fairness Act*, 50 FLORIDA STATE L. REV. 469 (Spring 2023)

*The Uniform Commercial Code Survey: Introduction*, 76 THE BUSINESS LAWYER 1295 (2021) (co-authored with Jennifer S. Martin and Colin P. Marks)

*The Uniform Commercial Code Survey: Introduction*, 75 THE BUSINESS LAWYER 2611 (2020) (co-authored with Jennifer S. Martin and Colin P. Marks)

*The Judicial Admissions Exception to the Statute of Frauds: A Curiously Gradual Adoption*, 55 WAKE FOREST L. REV. 475 (2020)

*The Uniform Commercial Code Survey: Introduction*, 74 THE BUSINESS LAWYER 1203 (2019) (co-authored with Jennifer S. Martin and Colin P. Marks)

*Reconsidering Christianity as a Support for Secular Law: A Final Reply to Professor Calhoun*, 74 WASH. & LEE L. REV. ONLINE 599 (2019)

*The Paradox of Christian-Based Political Advocacy: A Reply to Professor Calhoun*, 74 WASH. & LEE L. REV. ONLINE 489 (2018) (invited online symposium piece)

*The Uniform Commercial Code Survey: Introduction*, 73 THE BUSINESS LAWYER 1133 (2018) (co-authored with Jennifer S. Martin and Colin P. Marks)

*The Good, the Bad, and the Ugly of Online Reviews: The Trouble with Trolls and A Role for Contract Law After the Consumer Review Fairness Act*, 52 GA. L. REV. 549 (2019)

*The Uniform Commercial Code Survey: Introduction*, 72 THE BUSINESS LAWYER 1057 (2017) (co-authored with Jennifer S. Martin and Colin P. Marks)

*Arrested Development: Rethinking the Contract Age of Majority for the 21-st Century Adolescent*, 76 MD. L. REV. 405 (2017)

*The Uniform Commercial Code Survey: Introduction*, 71 THE BUSINESS LAWYER 1243 (2016) (co-authored with Jennifer S. Martin and Colin P. Marks)

*Correcting a False Step: Rethinking Overhead for the "Actual Expenses" Affirmative Defense to the Texas Constructive Trust Fund Act*, 67 BAYLOR L. REV. 1 (2015)

*The Uniform Commercial Code Survey: Introduction*, 70 THE BUSINESS LAWYER 1161 (2015) (co-authored with Jennifer S. Martin and Colin P. Marks)

*Render Unto Rawls: Law, Gospel, and the Evangelical Fallacy*, 24 U. FLA. J.L. & PUB. POL'Y 235 (2014)

*Social Media and the Rise in Consumer Bargaining Power*, 14 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 661 (2012).

*Consumer Assent to Standard Form Contracts and the Voting Analogy*, 112 WEST VIRGINIA LAW , REVIEW 839 (2010).

*The French Subjective Theory of Contract: Separating Rhetoric from Reality*, 83 TULANE LAW REVIEW 359 (2008) (cited in E.A. FARNSWORTH AND L.T. GARVIN, FARNSWORTH ON CONTRACTS (1990).

*The Objective Theory of Contracts*, 76 UNIVERSITY OF CINCINNATI LAW REVIEW 1119 (2008) (cited in E.A. FARNSWORTH AND L.T. GARVIN, FARNSWORTH ON CONTRACTS (1990), PERILLO, CONTRACTS (West Publishing 7<sup>th</sup> ed. 2014), JEFF FERRIELL, UNDERSTANDING CONTRACTS n. 10

(LexisNexis 2<sup>nd</sup> ed. 2010), and EPSTEIN, MARKELL AND PONOROFF, CASES AND MATERIALS ON CONTRACTS: MAKING AND DOING DEALS (3d. ed. 2011)).

*Toward a Fairer Model of Consumer Assent to Standard Form Contracts: In Defense of Restatement Section 211(3)*, 82 WASHINGTON LAW REVIEW 227 (2007) (cited in LOUISE GULLIFER, STEFAN VOGENAUER ENGLISH AND EUROPEAN PERSPECTIVES ON CONTRACT AND COMMERCIAL LAW at 109-110 (2014), JEFFREY T. FERRIELL, UNDERSTANDING CONTRACTS (Matthew Bender & Co. 2d ed. 2013), HAWKLAND, UNIFORM COMMERCIAL CODE SERIES §§ 2-204, 2-302 (2009), RUSCH AND SEPINUCK, SALES AND LEASES: A PROBLEM-SOLVING APPROACH (West 2009), and 2 WILLISTON ON CONTRACTS §6:17 n.1 (4<sup>th</sup> ed. 2008)).

Introduction, *Theory and Anti-Theory in the Work of Allan Farnsworth*, 13 TEXAS WESLEYAN LAW REVIEW 1 (2006).

*Rethinking Spyware: Questioning the Propriety of Contractual Consent to Online Surveillance*, 39 UNIVERSITY OF CALIFORNIA DAVIS LAW REVIEW 1545 (2006) (cited in NANCY KIM, WRAP CONTRACTS: FOUNDATIONS AND RAMIFICATIONS (Oxford Press 2013), *State v. Puesan*, 973 N.Y.S.2d 121 (Sup. Ct., App. Div. NY 2013), and PRINCIPLES OF THE LAW OF SOFTWARE CONTRACTS (American Law Institute) § 1.06 cmt. d (2009)).

*Contemplating a Civil Law Paradigm for a Future International Commercial Code*, 65 LOUISIANA LAW REVIEW 677 (2005) (cited in FRANCO FERRARI, CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS: APPLICABILITY AND APPLICATIONS OF THE UNITED NATIONS CONVENTION (Koninklijke Brill NV 2012), *Bodum USA, Inc. v. La Cafetiere, Inc.*, 621 F.3d 624 (7<sup>th</sup> Cir. 2010) (Posner, C.J., concurring), OMRI BEN-SHAHAR & ARIEL PORAT, EDS., FAULT IN AMERICAN CONTRACT LAW (Cambridge University Press 2010), FRANCO FERRARI, THE CISG AND ITS IMPACT ON NATIONAL LEGAL SYSTEMS, (Sellier 2008) and SPANOGLE, JR., MALLOY, DEL DUCA, BJORKLAND, ROWLEY, GLOBAL ISSUES IN CONTRACT LAW (2007)).

*Hadley v. Baxendale and Other Common Law Borrowings from the Civil Law*, 11 TEXAS WESLEYAN LAW REVIEW 627 (2005).

*Texas Bucks the Trend - No Cause of Action for Lost Chance of Survival in the Medical Malpractice Context: Kramer v. Lewisville Memorial Hospital*, 858 S.W.2d 397 (Tex. 1993), 25 TEXAS TECH LAW REVIEW 219 (1993) (student note).

## **OTHER PUBLICATIONS**

*The Coming International Commercial Code and the Great Common Law – Civil Law Dichotomy*, Wesleyan Lawyer (Spring 2005).

## **EDUCATION**

**TEXAS TECH UNIVERSITY SCHOOL OF LAW, J.D.**, May 1995

*summa cum laude*

Order of the Coif

Class Rank: 5/203

Editor-in-Chief, *Texas Tech Law Review*, Volume 26 (1994-1995)

Recipient, *Scribes Award for Excellence in Legal Writing*

**UNIVERSITY OF NORTH TEXAS, B.B.A. (Finance)**, May 1992

*cum laude*

Golden Key National Honor Society

Department of Finance, Insurance, Real Estate and Law – Academic Achievement

Award, April 1992

**OTHER PROFESSIONAL EXPERIENCE**

**KAPLAN BAR REVIEW** (2007-present).

Lecturer for Kaplan Bar Review course. Lead Kaplan National Lecturer on Contracts, Uniform Commercial Code, and Texas Consumer Rights. Also national lecturer on Multistate Bar Examination.

**STRASBURGER & PRICE**, Dallas, TX (2000-2003).

*Associate.* Represented clients in civil litigation proceedings, especially in Chapter 7, 11 and 13 bankruptcy proceedings. Representation included Chapter 11 debtors, creditors and liquidating trustees in complex Chapter 11 cases.

**GIBSON, OCHSNER & ADKINS**, Amarillo, TX (1995-2000).

*Associate.* Represented clients in civil litigation and transactional matters, especially commercial and credit-related proceedings.

**PRESENTATIONS AND INTERVIEWS**

Presentation, “Confidentiality Clauses in Settlement Agreements after the Consumer Review Fairness Act,” Sixteenth Annual International Conference on Contracts (KCON), Texas A&M University School of Law, Fort Worth, TX (March 18, 2023).

Presentation, “Navigating the Waters of Business Bankruptcy in the Wake of the Coronavirus Pandemic”, TAMU Law webinar series, May 7, 2020.

Presentation, “CARES Act Implications for Housing, Commercial Real Estate, and Bankruptcy,” TAMU Law webinar series, April 16, 2020.

Presentation, “The Judicial Admissions Exception to the Statute of Frauds: A Curiously Gradual Adoption.” Fifteenth Annual International Conference on Contracts (KCON), University of the Pacific, McGeorge School of Law, Sacramento, CA (February 22, 2020).

Presentation, “The Judicial Admissions Exception to the Statute of Frauds: A Curiously Gradual Adoption.” Texas A&M University School of Law Faculty Research Retreat (December 5, 2019).

Presentation, “The Good, the Bad, and the Ugly of Online Reviews,” Texas A&M University School of Law San Antonio Business Speaker Series, San Antonio Area Foundation's Wells Center, San Antonio, TX (May 14, 2019).

Interviewed, Allison Ingram, *The five-star, thousand-dollar post: Syracuse-area Yelp Elite reviewers hold the fate of local restaurants in their hands (and their phones)*, MEDIUM.COM (April 23, 2019).

Presentation, “The Curious Resistance to the Judicial Admissions Exception to the Statute of Frauds in the Common Law,” Fourteenth Annual International Conference on Contracts (KCON),

Tulane University School of Law, New Orleans, LA (March 7-8, 2019) (did not present due to family emergency).

Presenter, “The Good, the Bad, and the Ugly of Online Reviews: The Trouble with Trolls and A Role for Contract Law After the Consumer Review Fairness Act,” Central States Law Schools Association (CSLSA) Annual Scholarship Conference, Texas A&M University School of Law, Fort Worth, TX (October 12, 2018).

Presenter, *Negative Online Reviews, the Consumer Review Freedom Act, and the Potential Role of Contract Doctrine*, Thirteenth Annual International Conference on Contracts, Barry University School of Law, Orlando, FL (February 24, 2018).

Interviewed, *‘Shady’ Fort Worth Company Accused of Scamming Schools, Businesses*, Fort Worth Star-Telegram (April 14, 2017).

Presenter, *Arrested Development: Rethinking the Contract Age of Majority for the 21<sup>st</sup>-Century Adolescent*, Eleventh Annual International Conference on Contracts, St. Mary’s University School of Law, San Antonio, TX (February 27, 2016).

Moderator, *What You Thought You Knew About Remedies in Sales Transactions May Not be True: Highlights in Article 2 Remedies and Contracting for Limitations*, American Bar Association, Business Law Section Annual Meeting (Sept. 17, 2015).

Moderator, *Performance & Enforcement Panel Discussion*, Tenth Annual International Conference on Contracts, UNLV Boyd School of Law, Las Vegas, NV (February 28, 2015).

Interviewed, *Severance At Risk For Recently Laid-Off RadioShack Employees*, Fort Worth Star-Telegram (February 12, 2015).

Interviewed, *Radio Shack Gets OK To Begin Closing Stores*, Fort Worth Star-Telegram (February 7, 2015).

Presenter, *Correcting a False Step: Rethinking the “Actual Expenses” Affirmative Defense to the Texas Constructive Trust Fund Act*, Texas A&M University School of Law Faculty Development Series, Fort Worth, TX (January 28, 2015).

Presenter, *Correcting a False Step: Rethinking the “Actual Expenses” Affirmative Defense to the Texas Constructive Trust Fund Act*, Texas Tech University School of Law Faculty Exchange, Lubbock, TX (November 11, 2014).

Presenter, panel discussion on Professor Nancy Kim’s new book, “Wrap Contracts: Foundations and Ramifications,” published by Oxford University Press. The panel was part of the Ninth Annual Conference on Contracts, St. Thomas University School of Law, Miami, Florida, Feb. 21-22, 2014. (*note: unsolicited invited presentation*)

Presenter, *Render Unto Rawls: Law, Gospel, and the Evangelical Fallacy*, Love and Law Conference of the Herbert and Elinor Nootbaar Institute on Law, Religion and Ethics at Pepperdine University School of Law, Malibu, Calif., Feb. 7 - 8, 2014.

Interviewed, *AMR Stock Goes From Nearly Worthless To Worthwhile*, Fort-Worth Star Telegram (November 16, 2013).

Presenter, *Render Unto Rawls: Law, Gospel, and the Evangelical Fallacy*, Texas Wesleyan University School of Law Faculty Development Series, Fort Worth, TX (April 3, 2013).

Presenter, *Consumer Assent to Standard Form Contracts and the Voting Analogy*, Eight Annual International Contracts Conference, Texas Wesleyan University School of Law, February 23, 2013.

Presenter, *Render Unto Rawls: Law, Gospel, and the Evangelical Fallacy*, Texas Wesleyan “half-baked” (works-in-progress) presentation, February 1, 2013

Interviewed, *Unions, Boeing Named to American Airlines Creditors Committee*, Fort-Worth Star Telegram (December 6, 2011).

Moderator, *The Law of Disaster: A Discussion Focused on Administrative Law and Regulatory Practice*, Southeastern Association of Law Schools Annual Meeting, Hilton Head, SC (July 27, 2011).

Presenter, *Social Media and the Rise in Consumer Bargaining Power*, Sixth Annual International Conference on Contracts, Stetson University College of Law, Gulfport, FL (February 19, 2011).

Presenter, *Social Media and the Rise in Consumer Bargaining Power*, Texas Wesleyan University School of Law Faculty Development Series, Fort Worth, TX (February 16, 2011).

Presenter, *The French Subjective Theory of Contract: Separating Rhetoric from Reality*, Fifth Annual International Conference on Contracts, UNLV Boyd School of Law, Las Vegas, NV (February 27, 2010).

Presenter, *The French Subjective Theory of Contract: Separating Rhetoric from Reality*, Texas Tech University School of Law Faculty Exchange, Lubbock, TX (March 8, 2010).

Presenter, *The French Subjective Theory of Contract: Separating Rhetoric from Reality*, Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL (August 7, 2009).

Presenter, *Consumer Assent to Standard Form Contracts and the Voting Analogy*, Texas Wesleyan University School of Law Faculty Development Series, Fort Worth, TX (September 23, 2009).

Moderator, *Standard Form Contracts*, Fourth Annual International Conference on Contracts, McGeorge School of Law, Sacramento, CA (February 8, 2009).

Presenter, *The French Subject Theory of Contracts*, Texas Wesleyan University School of Law Faculty Development Series, Fort Worth, TX (August 27, 2008).

Presenter, *Mechanic's Liens in Texas*, State Bar of Texas Continuing Legal Education seminar: "Collecting Debts and Judgments," Menger Hotel, San Antonio, TX (May 8, 2008).

Presenter, *The Objective Theory of Contracts*, Texas Wesleyan University School of Law Faculty Development Series, Fort Worth, TX (September 4, 2007).

Presenter, *Some Doctrinal Exceptions to the Objective Theory of Contracts*, Texas Junior Scholars Conference, Texas Wesleyan University School of Law, Fort Worth, TX (August 10, 2007).

Presenter, *Some Doctrinal Exceptions to the Objective Theory of Contracts*, Third International Contracts Conference, South Texas College of Law, Houston, TX (February 24, 2007).

Presenter, *Rethinking Spyware: Questioning the Propriety of Contractual Consent to Online Surveillance*, (Second) International Contracts Conference, Texas Wesleyan University School of Law, Fort Worth, TX (February 25, 2006).

Presenter, *The Decline of Common Law in International Transactions: Treaties, International Tribunals, and Private Enforcement in an Age of Globalization*, Hadley v. Baxendale: The

Common Law of Contracts as a World Force in Two Ages of Revolution, University of Gloucestershire, Oxtalls Campus, Gloucester, England (June 8, 2004).

**LAW SCHOOL AND COMMUNITY SERVICE AND HONORS**

**TEXAS A&M UNIVERSITY SCHOOL OF LAW (SERVICE)**

- Peer Review Committee (2016-present, chair 2016-present)
- Appointments Committee (2023-present)
- Law Review, Faculty Advisor (2020-present)
- Student Publications Committee (2016-2019 (chair); 2020-present (ex officio))
- Faculty Governance Committee (2013-2014, 2018-2020)
- Curriculum Committee (2013-2016; chair, 2015-2016, 2019-2020)
- Director of Law Library Search Committee (2018-2019, chair)
- Long-Term Contract Review Committee (2017-2019)
- Graduate Student Award Selection Committee (2019, 2021, 2022)
- Building and Space Committee (2017-2018)
- Library Search Committee (for Associate Director, Digital Services & Repository Librarian, and Reference Librarian) (2016-2017, chair)
- Promotion and Tenure Advisory Committee (PTAC) (2014-2017)
- Tenure Committee (2013-present)
- Law Library Committee (2013-2014)

**TEXAS A&M UNIVERSITY SCHOOL OF LAW (HONORS)**

- Hooding Professor, J.D. Class of 2022 (elected by students)

**TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW (SERVICE)**

- Admissions Committee (2007-2008, 2011-2013)
- Curriculum Committee (2011-2013)
- Faculty Recruitment Committee (2005-2011), *chair* (2008-2011)
- Faculty Governance Committee (2004-2005, 2008-2013)
- Law Journals Oversight Committee (2010-2012)
- Faculty Advisor, *Texas Wesleyan Law Review* (2005-2011)
- Externship Oversight Committee (2011-2012)
- Faculty Development Committee (2003-2004, 2011-2012)
- University Planning Committee (historic campus) (2004-2005, 2008-2010)
- Dean's Advisory and Planning Committee (2006-2007)
- Fellowship Committee (2007)
- University College Day (historic campus) (2007)
- University Hearing Board (historic campus) (2006-2007)
- Academic Standards Committee (2004-2006)

**TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW (HONORS)**

- 1L (First Year) Professor of the Year, 2009-2010 (elected by students)
- Upper Level Professor of the Year, 2007-2008 (elected by students)
- Hooding Speaker, Spring 2007 (Class of 2007) (elected by students)
- Upper Level Professor of the Year, 2006-2007 (elected by students)

**AMERICAN BAR ASSOCIATION**

- Co-Editor, Annual Survey of Uniform Commercial Code, Business Section of the American Bar Association (2015-present)

**OTHER COMMUNITY ACTIVITIES**

- Coppell High School Lariettes, Fundraising Committee (ticket sales coordinator) (2021-present)
- Coppell High School Choir, Madrigals Feast and Concert, Event Coordinator (2017-2019)
- Booker T. Washington High School for the Visual and Performing Arts (Dallas I.S.D. Fine Arts Magnet School), Guild (2011-2015)
- Greater Dallas Youth Orchestra, Parents Guild member (2008-2015)



- Cub Scout Den leader, 2007-2011
- Parent Volunteer, Wilson Elementary School, Coppell I.S.D, 2003-2016
- Leadership Amarillo and Canyon, 1998 – 1999
- Board of Directors, Big Brothers and Big Sisters of the Texas Panhandle, 1997 – 2000
- Volunteer “Big Brother”, Big Brothers and Big Sisters, 1997 –2000
- Advisory Board, Buckner Children and Family Services of Amarillo, 1998 – 2000
- Board of Directors, Amarillo Area Young Lawyers Association, 1998 – 1999

**PROFESSIONAL ASSOCIATIONS**

- State Bar of Texas
- Tarrant County Bar Association
- American Bar Association