

## MITCHELL (“MITCH”) FERDINAND CRUSTO

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### I. EDUCATIONAL ACHIEVEMENTS

**Yale Law School**, New Haven, Connecticut 1980 to 1981, 1975 to 1977  
J.D., June, 1981: Resident Graduate Fellow in Law, Calhoun College

**Oxford University**, Oxford, England, Marshall Scholar 1977 to 1980  
M.A., 1985, B.A. 1980, Honour School of Jurisprudence  
D. Phil. Candidate Legal History, under Professor Patrick Atiyah

**Yale Graduate School**, New Haven, Connecticut 1976 to 1977  
Candidate for Ph.D. - J.D. in History under Professor C. Vann Woodward

**Yale College**, New Haven, Connecticut 1971 to 1975  
B.A., May 1975, Magna Cum Laude; Scholar of the House (History)

### II. TEACHING EXPERIENCE AND OTHER EMPLOYMENT

**Loyola University (New Orleans) College of Law**, New Orleans, LA 1995 to Present

*Henry F. Bonura, Jr., Professorship of Law, invested (November 14, 2014)*

Professor (Tenure, Fall 2000, Professor, Spring 2002)

Property I, II; Real Estate Transactions, Agency, Partnership & Limited Liability  
Companies; Business Organizations I, II; Corporations; Wills, Trusts and  
Estates; Constitutional Law Seminar, Individuals Rights in Crisis; Insurance;  
Environmental Management; Contracts II; American Legal History; Hot Topics  
in International Environmental Law; Social Responsibility and Corporate  
Behavior Seminar; The Legal Profession; and Academic Success.

Conditional Admission Program, “The Law of Landlord/Tenant” June 2004/June 2005

University Faculty Advising Award 2005 and 2006

Budapest, Hungary, Hot Topics in International Environmental Law Summer 2005

Recipient, Teaching Innovation Grant Spring 2015

Recipient, Marquette Faculty Fellowship Summer 2016

First Year Orientation August 2016

**University of Miami School of Law**, Miami, Florida 8/2007 to 5/2008

Visiting Professor

Property; Business Associations; Katrina and the Law: the Ethics of Disasters Seminar

**Washington University School of Law**, St. Louis, Missouri 8/2006 to 5/2007  
 Visiting Professor  
 Property; Business Entities; Corporate Responsibility

**Vermont Law School**, South Royalton, Vermont Summer 2003, 2002, 2001, and 2000  
 Visiting Professor: Winning Environmental Business Strategies

**Washington University School of Law**, St. Louis, Missouri Summer 1999  
 Visiting Professor: Agency, Partnership and the Limited Liability Company

**Washington University Business School**, St. Louis, Missouri 1985 to 1989  
 Adjunct Professor: Business Law and Government Regulation of Business  
 Executive MBA Program, Business Law; "Teacher of the Year," two years straight  
 Minority Entrepreneur Program, Inner City Youth, Lecturer

**St. Louis University Law School**, St. Louis, Missouri 1987 to 1988  
 Adjunct Professor: Advanced Topics in Securities Regulations

**Arthur Andersen & Co., S.C.**, Chicago, Illinois 1993 to 1995  
 Senior Manager, Environmental Services

**President Bill Clinton's Transition Team**, Washington, D.C. December 1992  
 Member, Natural Resources Cluster

**Environmental Law Institute**, Washington, D.C. 1993  
 Lecturer: Environmental Management

**Monsanto Company**, St. Louis, Missouri 1991 to 1993  
 Director, Corporate Environmental Policy

**U.S. Small Business Administration (SBA)**, Washington, D.C. 1989 to 1991  
 Associate Deputy Administrator for Finance, Investment and Procurement, President  
 George Bush Appointee

**The Honorable John M. Wisdom, U.S. Court of Appeals, 5th Circuit** 1981 to 1982  
 Judicial Law Clerk

### III. SCHOLARLY AND PROFESSIONAL PUBLICATIONS

#### A. Works in Progress/Research Agenda

*Right to Life: Constitutional Solution to Save Lives*, law review article, completed and submitted for law review consideration. It analyzes the interest convergence of black lives and blue lives matter movements, presents lessons from Danziger Bridge, and proposes a federal statute mandating independent, federal investigations of a police officer's use of lethal force, done through the financial assistance of the Loyola Marquette Fellowship.

“The Right to Bear Arms during Emergencies: an Illusory Constitution,” Abstract: Over the law decade, the scope of the Second Amendment's right to bear arms has been perhaps the most debated individual liberty in the U. S. Constitution, and raises concerns over the right to bear arms during emergencies. In response, this Article recommends that the emergency statutes of state governments be amended to expressly protect the right to bear arms during emergencies. It seeks a paradigm shift from statutory suspension of the right to bear arms to strong affirmation that the right to bear arms be preserved during emergencies and that infringements be redressed following emergencies. It also argues that judges should use a strict scrutiny standard when analyzing allegations that state and local government officials, especially law enforcement, violated people's right to bear arms during emergencies.

FIFTY MINUTE ON DANZIGER: BLACK LIVES AND SHADES OF JUSTICE IN THE BIG EASY, book project, Overview: After Hurricane Katrina, as the floodwaters receded in New Orleans, residents including first responders who had stayed and survived the hurricane faced a crisis far worse than the storm itself. Without food, potable water, power, an evacuation plan, or effective leadership, the city became chaotic and exhausted police officers were directed to protect property and enforce government directed emergency procedures, many of which infringed on people's civil liberties. And, when it came to making the hardest decisions, some of them failed. Some police officers shot several hurricane survivors believing they had shot at the police and then allegedly covered up their erroneous actions. When the government decided to make an example out of the police, federal prosecutors may have crossed the line of fairness. In the end, a white, progressive, woman judge would have the deciding vote as to whether to free an unfairly prosecuted, white police officer who clearly shot and killed two innocent, black Katrina survivors.

Thesis: it is the government (President Bush, Governor Blanco, and Mayor Nagin, not the police officers, who is the real culprit in the deaths and injuries on Danziger. Point the finger at the federal, state and local political leadership, government in putting the police under undue pressure to “put down” the locals to protect property interests

Vantage: (fictitious) voice of a white, progressive woman judge, newly appointed and the daughter of a police officer? 57 minutes on the Danziger impacted the lives of many. For two black people, one teen and one mentally challenged, their lives ended. For several other victims, they were severely mutilated. For one person, he was arrested for shooting at the police. For the police officers, it began a legal nightmare

Sources: Legal documents from numerous cases, police reports, depositions, newspaper reports

## **B. Book and Law Review Publications**

*State of Emergency: an Emergency Constitution Revisited,* 61 LOY. L. REV. 471 (2015), lead article, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2763667](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2763667).

INVOLUNTARY HEROES: HURRICANE KATRINA'S IMPACT ON CIVIL LIBERTIES, Carolina Academic Press, September 2015. Finalist, American Bar Association's Silver Gavel Award, nominated for several national and local book awards. <http://www.cap-press.com/books/isbn/9781611631814/Involuntary-Heroes-Hurricane-Katrinass-Impact-on-Civil-Liberties>

*Empathic Dialogue: from Formalism to Value Principles,* 65 SMU L. REV. 845-876 (Fall 2012), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2201821](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2201821).

*Obama's Moral Capitalism: Empathy and the Constitution,* 63 U. MIAMI L. REV. 1011-1040 (2009), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1573770](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1573770).

*Unconscious Classism: Entity Equality for Sole Proprietors,* 11 U. PA. JCL 215-275 (2009) lead article, <http://www.pennjcl.com/main/>.

*Enslaved Constitution: Obstructing Freedom to Travel,* lead article, 70 U. PITT. L. REV. 233 (2008), <http://lawreview.law.pitt.edu/issues/70/70.2/01Crusto.pdf>.

*Letter from a Native Son: Do you Know What it Means to Miss New Orleans,* HURRICANE KATRINA: AMERICA'S UNNATURAL DISASTER, edited by Jeremy I. Levitt and Matthew C. Whitaker, University of Nebraska Press Series, Justice and Social Inquiry, lead chapter, 2009.

*Louisiana's Valued Policy Law: Total Loss Equals Total Payment?,* LOUISIANA BAR JOURNAL, August/September 2007.

*The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees,* 43 HARV. J. LEG. 329-373 (2006), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1546661](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1546661).

*Endangered Green Reports: 'Cumulative Materiality' in Corporate Environmental Disclosure after Sarbanes-Oxley?* 42 HARV. J. LEG. 483-509 (2005), **reprinted** 35 ELR 10666 (Oct. 2005).

*Blackness as Property: Sex, Race, Status, and Wealth,* 1 STAN. J. C.R. & C.L.L. REV. 51-169 (April 2005), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1572684](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1572684).

*Green Business: Should We Revoke Corporate Charters for Environmental Violations*, 63 LA. L. REV 175- 241 (2003), **reprinted** 34 ELR (Feb. 2004).

*Extending the Veil to Solo Entrepreneurs: A Limited Liability Sole Proprietorship Act (LLSP)*, 2001 COL. BUS. L. REV. 381-430 (2001).

*The Supreme Court's New Federalism: an Anti-Rights' Agenda*, 16 GA. ST. U. L. REV. 517- 572 (2000).

*All That Glitters Is Not Gold: A Congressional-Driven Global Environmental Policy*, 11 GEO. INT'L ENVTL. L. REV. 499- 529 (1999).

*Federalism and Civil Rights, the Meredith Case*, 11 NAT'L BLACK L.J. 301- 315 (1989).

### **C. Other Legal Publications**

*Toxic Mold: Punitive Damages for Insurers' Bad Faith Practices*, AMERICAN BAR ASSOCIATION, SECTION ON LITIGATION (April 2003).

SMITH AND ROBINSON, BUSINESS LAW, Contributing Editor (1988 to 1997).

*Environmental Risk Management Programs Expand into the Banking Community*, ILLINOIS BANKER (July 1993).

*Business Roundtable on Environmental Management*, CORPORATE LEGAL TIMES (1993).

*Reflections on Insider Trading*, SLOAN MANAGEMENT REVIEW (Fall 1987).

THE FREDERICK DOUGLASS PAPERS, Research Assistant, Professor John W. Blassingame, Yale University, New Haven, Connecticut (Summer 1976, 1983 to 1985).

## **IV. SCHOLARLY PRESENTATIONS**

Discussant, Workshop on Criminal Law, Discussion Group: "Policing the Police After Ferguson: Legal and Extra-Legal Dynamic and Constraints," 2016 Southeastern Association of Law Schools, 69th Annual Meeting, Amelia Island, Florida, August 9, 2016

Proposed, Organized, and Moderated, Workshop on Scholarship, "Book Creation, Discussion Group: Writing and Publishing a Book," 2016 Southeastern Association of Law Schools, 69th Annual Meeting, Amelia Island, Florida, August 8, 2016

Proposed, Organized, and Moderated, Workshop on Constitutional Law & Civil

Liberties, Discussion Group: “Boundaries of the ‘Right to Bear Arms,’” 2016 Southeastern Association of Law Schools, 69th Annual Meeting, Amelia Island, Florida, August 6, 2016

Participant, Discussion Group: Race and Federalism, 2016 Southeastern Association of Law Schools, 69th Annual Meeting, Amelia Island, Florida, August 4, 2016

Author Meets Reader Session, “Mitchell F. Crusto- State of Emergency: from Compton to Ferguson, Lessons from Katrina,” proposed, organized, and participated in discussion of *Involuntary Heroes: Hurricane Katrina’s Impact on Civil Liberties*, 2016 Law and Society Annual Meeting, New Orleans, Louisiana, June 3, 2016

Discussant, “Expectations in Law in the Time of Disasters,” 2016 Law and Society Annual Meeting, New Orleans, Louisiana, June 3, 2016

Tenth Annual Fred Gray Civil Rights Symposium at the Thomas Goode Jones School of Law, Faulkner University, Montgomery, Alabama, 2016

Presentation, video essay, entitled, “Black Lives Don’t Matter: When Police Get Away with Murder,” book talk, Catholic University Law School in Washington, D. C., February 2016.

Presentation, video essay entitled “Do Black Lives Matter during Emergencies, at the Yale Law School, on Thursday, October 29, 2015, in New Haven, Ct, explored the question: “Are civil liberties suspended during emergencies?” Adapted from *Involuntary Heroes, Hurricane Katrina’s Impact on Civil Liberties*.

Presentation, a paper and video essay entitled “The Right to Bear Arms during Emergencies: an Illusory Constitution,” at the Katrina Symposium of the Loyola Law Review, Friday, October 16, 2015, at the Law School in New Orleans, Louisiana, explored the question: “What is the nature of a constitutionally-protected right?” Adapted from his book, *Involuntary Heroes, Hurricane Katrina’s Impact on Civil Liberties*.

Moderator, Discussion Group: Law under Pressure: Ferguson, Missouri Revisited, 68th Annual Meeting, Boca Raton, Florida, July 27, 2015.

“*Involuntary Heroes: How Hurricane Katrina Challenges our Commitment to Civil Liberties*,” Panel, “State Emergencies and the Constitution: Lessons from the Tenth Anniversary of Katrina,” the Southeastern Association of Law Schools, 68th Annual Meeting, Boca Raton, Florida, August 1, 2015.

Participant, Discussion Group: Hot Topics in Financial Institutions Law and Regulation, 68th Annual Meeting, Boca Raton, Florida, July 27, 2015.

Proposed, Organized, Accepted, Forthcoming, Panel, “State Emergencies and the

Constitution: Lessons from the Tenth Anniversary of Katrina,” the Southeastern Association of Law School, 68th Annual Meeting, Boca Raton, Florida, July 27-August 3, 2015.

“Constitutional Due Process Rights for Mass Termination of Public School Teachers/Employees after Hurricane Katrina,” Constitutional Law Presentation, 21st Annual CLE, Louisiana Judicial Council/National Bar Association, La Romana, Dominican Republic, July 11, 2015.

“Liberty in the Face of Crisis,” Constitutional Law Presentation, CLE, Louisiana Judicial Council/National Bar Association, Charlotte, North Carolina, October 30, 2014.

“Constitutional Issues Following Ferguson,” Panelist, “Fergusons Across America,” Loyola University, Sponsored by the African and African American Studies Program, New Orleans, St. Charles Room, Danna Center, Tuesday, November 18, 2014, 6:30 pm, <http://www.loyno.edu/news/story/2014/11/12/3528>.

Proposed, Organized, Accepted, Forthcoming, Panel, “State Emergencies and the Constitution: Lessons from the Tenth Anniversary of Katrina,” the Southeastern Association of Law Schools, 68th Annual Meeting, Boca Raton, Florida, July 27-August 3, 2015.

Proposed, Organized, Accepted, Forthcoming, Discussion Group: Law under Pressure: Ferguson, Missouri Revisited, 68th Annual Meeting, Boca Raton, Florida, July 27-August 3, 2015.

“Hot Topics in Financial Institutions Law and Regulation,” Participant, Discussion Group, Workshop on Business, Southeastern Association of Law Schools, 67th Annual Meeting, Amelia Island, Florida, August 3, 2014.

“Perspectives on Teaching Corporate Social Responsibility,” Participant, Discussion Group, Workshop on Business, Southeastern Association of Law Schools, 67th Annual Meeting, Amelia Island, Florida, August 5, 2014.

“Liberty: How Crisis Defines Our Rights,” The Fifth Annual John Mercer Langston Writing Workshop, Boyd School of Law, UNLV, Las Vegas, NV, July 12, 2014.

“Corporate Social Responsibility(or Irresponsibility) in a Recessionary America,” Organized and Moderated Discussion Group, Workshop on Business, Southeastern Association of Law Schools, 66th Annual Meeting, Palm Beach, Florida, August 9, 2013.

“Denying the Right to Travel within a State” in Self-Evident but not Self-Executing: How Katrina Challenged the Constitution, The Fourth Annual John Mercer Langston Writing Workshop at University of Denver Sturm College of Law, Denver, CO, July 12, 2013.

“Unconscious Classism: Entity Equality and Citizens United,” Corporate Citizenship: First Among Equals or Equal Protection, Southeastern Association of Law Schools, 65th Annual Meeting, Amelia Island, Florida, August 1, 2012.

“Moral Capitalism: a Constitutional Right to Protection from Economic Exploitation/Predation,” Issues in Consumer Financial Protection and Financial Regulation, Southeastern Association of Law Schools, 65th Annual Meeting, Amelia Island, Florida, August 1, 2012.

“Do Lawyers Have a Duty to Serve the Unrepresented?” presentation on a citizen’s right to effective counsel in the plea bargaining process in criminal laws cased in light of recent U.S. Supreme Court’s Frye and Lafler decisions. Louisiana Judicial Council, 18th Annual CLE of Louisiana, St. Thomas, U.S. Virgin Islands, June 21, 2012.

“Obama’s Legislative Agenda: the Great Society or the New Socialism?” Constitutional Law Workshop, Southeastern Association of Law Schools, 64th Annual Meeting, Hilton Head Island, South Carolina, July 26, 2011.

“Constitutional Intrusion into State Judicial Independence,” presentation on judges’ ethical duty of self-recuse under the U.S. Supreme Court Caperton 14th Amendment Due Process test for “contributor bias,” Louisiana Judicial Council, 17th Annual CLE of Louisiana, San Juan, Puerto Rico, July 11, 2011.

“The BP Fund: Justice Facilitated or Justice Denied?” presentation, Symposium, “The Deepwater Horizon Oil Spill—A Billion Pound Dossier,” Loyola University New Orleans College of Law, New Orleans, Louisiana, September 17, 2010.

“Empathetic Constitution: Toward Value Principles of Constitutional Law,” presentation, panel “A Constitution of Values; Structure and the Ends of Governmental Authority in a Post-Racial Age,” Third National People of Color Legal Scholarship Conference, Seton Hall University School of Law, Newark, NJ, September 11, 2010.

“Empathetic Constitution: Toward Value Principles of Constitutional Law,” presentation, Constitutional Law Workshop, “Obama, Empathy, and the Constitution, Southeastern Association of Law Schools. 63rd Annual Meeting, Palm Beach, Florida, July 30, 2010.

“Retracing the Steps on the Bridge: the Right to Intra-State Travel,” presentation on the role of State Judges in developing constitutional law, Louisiana Judicial Council, 16th Annual Jamaican Sunset CLE, Negril, Jamaica, July 10, 2010.

“Rising Tenure Standards,” presentation, Writing for Tenure panel, Southeastern Association of Law Schools. 62nd Annual Meeting, Palm Beach, Florida, August 5, 2009.

“Obama’s Moral Capitalism: Empathy and the Constitution,” presentation, Louisiana Judicial Council, 15th Annual Jamaican Sunset CLE, Negril, Jamaica, July 10, 2009.

“Louisiana’s Contributions to Constitutional Law,” presentation, Debating the Constitution, a Morning of Constitutional Law, The Louisiana Judicial College and the Louisiana State Bar Association Summer School, Sandestin, Florida, June 8, 2009.



“Lightning Round,” moderator/commentator, Debating the Constitution, a Morning of Constitutional Law, The Louisiana Judicial College and the Louisiana State Bar Association Summer School, Sandestin, Florida, June 8, 2009.

“Personal Constitutional Rights in Troubled Waters II,” presentation, One Step Too Many, Louisiana Judicial Council, 14th Annual Jamaican Sunset CLE, Negril, Jamaica. August 13, 2008.

“Reparations for African Americans: An Essential Remedy; Legally Viable or Racially Divisive,” moderator, Southeastern Association of Law Schools, 2008 Annual Meeting, Palm Beach, Florida, July 28, 2008.

“Unconscious Classism: Entity Equity for Sole Proprietors,” University of Miami, visiting faculty lecture, February 21, 2008.

“Business, Law, and Catastrophic Insurance,” presentation, United States Supreme Court and Legislative Preview: Tax, Corporations, and Business Regulation, Southeastern Association of Law Schools, 2007 Annual Meeting, Amelia Island, Florida, July 31, 2007.

“Personal Constitutional Rights in Troubled Waters,” presentation, Constitutional Surprise, Louisiana Judicial Council, 13th Annual Jamaican Sunset CLE, Rose Hall, Jamaica, July 17, 2007.

“Betrayal by Incompetence or by Design: Social, Property, and Insurance in the Wake of Hurricane Katrina,” presentation, Opening Plenary Session, Unconscious and Institutional Discrimination, 17th Annual Midwestern People of Color Legal Scholarship Conference, Washington University and St. Louis University Schools of Law, St. Louis, Missouri, April 13, 2007.

Commentator, Session III: “Ambiguities: Race, Property, and Personhood,” The Dred Scott Case and its Legacy: Race, Law, and the Struggle for Equality, 1857-2007 Sesquicentennial Commemoration & Symposium, Washington University (St. Louis) School of Law, March 2, 2007.

“Katrina: Unveiling America’s Dirty Secrets,” The Inaugural James P. Anderson Memorial Lecture, William Mitchell College of Law, The Federalist Society and Black Law Students Association, St. Paul, Minnesota, February 13, 2007.

“Catastrophic Loss Insurance? Lessons from Katrina,” AALS 2007 Annual Meeting, panel entitled “Katrina and the Destruction and Rebuilding of New Orleans,” Washington D.C., January 3, 2007.

“Hurricane Katrina’s Second Wave: Should the Federal Government Create a Katrina Survivors’ Compensation Fund Modeled After the 911 Fund?,” the Southeastern Association of Law Schools (SEALS), 2006 Annual Meeting, panel entitled “Sorting Through the Wreckage of Katrina,” Palm Beach, Florida, July 17, 2006.

“Hurricane Katrina’s Second Wave: Insurance Legislative and Judicial Challenges in the Wake of Hurricane Katrina,” Louisiana Judicial Council, 12th Annual Jamaican Sunset CLE, Negril, Jamaica, July 8, 2006.

“People as Property: the Historical Root and the Cancerous Shoots of the Government’s Victimization of Hurricane Katrina Survivors and of Undocumented Americans,” Southeast/Southwest People of Color Legal Scholarship Conference, Santa Fe, New Mexico, April 7, 2006.

Interlocutor, “Corporate Governance & Environmental Best Practices,” William and Mary Environmental Policy Review Symposium, William and Mary School of Law, Williamsburg, Virginia, February 4, 2006.

“Hurricane Katrina, America’s Dirty Secret, Binary Economics, and Reparations,” American Association of Law Schools, Washington D.C., January 4, 2006.

“Hurricane Katrina, Reparations, and Blackness as Property: Sex, Race, Status, and Wealth,” Georgetown University Law School, Washington D.C., January 3, 2006.

“Hurricane Katrina, Reparations, and Blackness as Property: Sex, Race, Status, and Wealth,” presentation on panel “Socio-Economic Perspectives on Black Reparations, Conference on Socio-Economics, Georgetown University Law School, January 3, 2006.

“Blackness as Property: Sex, Race, Status, Wealth, and Grutter,” panel entitled “The Sander Study on the Benefits of Affirmative Action,” the Southeastern Association of Law Schools, Annual Meeting, Hilton Head, South Carolina, July 22, 2005.

“Blackness as Property: Sex, Race, Status, and Wealth,” presentation to the Executive Committee, Louisiana Judicial Council, Negril, Jamaica, July 12, 2005.

“Blackness as Property: Race, Sex, Status, and Wealth, and Grutter,” panel entitled “Reparations: Approaches, Obstacles, Prospects,” the Southeast/Southwest People of Color Legal Scholarship Conference, “The Struggle Continues: Defacto Segregation in Education and Beyond,” Tulane University School of Law, Metairie, Louisiana, May 6, 2005.

Moderator, “Shintech Round Three (Environmental Justice Revisited)” Tulane University School of Law, 10th Annual Environmental Conference, “Environment 2005: Law, Science, and the Public Interest,” New Orleans, Louisiana, April 2, 2005.

“Blackness as Property: Race, Sex, Status, and Wealth, and Grutter,” Inaugural Symposium of the Stanford Journal of Civil Rights & Civil Liberties, Stanford Law School, March 12, 2005.

“Grutter, Miscegenation, and Black Women’s Property Rights,” America, Race, and Law at the Crossroads, Second National People of Color Legal Scholarship Conference, George

Washington University Law School, October 8, 2004.

Moderator, "Environmental Justice," America, Race, and Law at the Crossroads, Second National People of Color Legal Scholarship Conference, George Washington University Law School, October 8, 2004.

"Unfinished Agenda: Can the Law Remedy Vestiges of Enslavement/Racial Hate Crimes?" Louisiana Judicial Council/National Bar Association, Negril, Jamaica, July 8-15, 2004.

Moderator, "Lombard v. Louisiana Revisited, 40th Anniversary Symposium," Gillis Long Poverty Law Center, Loyola University School of Law, New Orleans, Louisiana, November 21, 2003.

Moderator, "Preservation vs. Progress: Are They Mutually Exclusive in New Orleans," Real Estate Law Society, 2nd Annual Panel Discussion of Issues Effecting the New Orleans New Orleans Real Estate Market, Loyola University School of Law, New Orleans, Louisiana, November 14, 2003.

Excel as a First Year Law Student," Southern Region of the Black Law Student Association Academic Retreat 2003," Loyola University New Orleans School of Law, New Orleans, Louisiana, October 18, 2003.

"Race, Sex, and Private Property Law: Black Ownership Rights in the Antebellum South," 14th Annual Meeting of the Midwestern People of Color Legal Scholarship Conference, Inc., sponsored in conjunction with Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio, October 11, 2003.

"Recent Developments in Punitive Damages through the Lens of Bad Faith Insurance Litigation," The Southeastern Association of Law Schools (SEALS), Amelia Island, Florida, July 23, 2003.

"When Mold Equals Punitive Damages: Insurer's Bad Faith Litigation," Jamaican Sunset CLE, Louisiana Judicial Council, Negril, Jamaica, July 2, 2003.

"Corporate Environmental Financial Disclosures after Enron: Green Reports Under Fire," Vermont Law School, Hot Topics in Environmental Law Series, North Royalton, Vermont, June 24, 2003.

"Toxic Mold: Punitive Damages for Insurers' Bad Faith Practices," American Bar Association, Section on Litigation Conference, Houston, TX, April 11, 2003.

"Going In-House: Opportunities for Lawyers in Corporate Legal Departments," Moderator, Loyola University School of Law, New Orleans, LA, March 11, 2003.

"Insurer Bad Faith," National Association of Public Claims Adjusters, New Orleans, Louisiana, December 6, 2002.

“Who’s at the Table? A Panel Discussion with the Key Players in a Real Estate Deal,” Moderator, Loyola University School of Law, New Orleans, LA, November 7, 2002.

“Insurer Bad Faith,” Louisiana Judicial Council, Jamaican Sunset CLE, Negril, Jamaica, November 3, 2002.

“Can States Revoke Corporate Charters for Environmental Violations?” Vermont Law School, Hot Topics in Environmental Law, South Royalton, Vermont, July 25, 2002.

“Bush v. Gore: Unequal Protection?” Louisiana Judicial Council, Jamaican Sunset CLE, Negril, Jamaica, July 2001.

“Extending the Veil to Solo Entrepreneurs,” Southeastern Association of Law Schools Conference, Hilton Head, S.C., July 2001.

“Constitutionality of Faith-Based Programs,” Moderator, Loyola Federalist Society and American Civil Liberties Union, Loyola University School of Law, New Orleans, LA, April 2001.

“Vision for American Legal Education,” Washburn School of Law, Dean Search Presentation, Topeka, Kansas, Spring 2001.

“Florida Recount & Analysis of State Court Review,” WWL-TV, Channel 4, 12:20 p.m., November 17, 2000.

“Florida Recount: A Legal Overview,” WWL-TV, Channel 4, 7:15 a.m., November 13, 2000.

“Federalism and Civil Rights: The U.S. Supreme Court and the Federalism Paradox,” Louis A. Martinet Legal Society, Continuing Legal Education Seminar, Negril, Jamaica, B.W.I., July 2000.

“Winning Environmental Business Strategies: A Search for a New Paradigm in Environmental Protection,” Faculty Presentation, Vermont Law School, South Royalton, Vermont, June 2000.

“Equal Justice: An Insider’s View of Environmental Justice,” Conference on Corporate Social Responsibility, IPREX, International Organization of Leading Public Relations Firms, February 18, 2000.

“Environmental Racism: Does it Exist?” Louis Westerfield Presenter and Moderator, Loyola University (New Orleans) School of Law, New Orleans, LA, October 20, 1999.

“Toward a Limited Liability Sole Proprietorship Act,” Faculty Presentation, Washington University, St. Louis, Missouri, June, 1999.

“Effects of Globalization on the Legal Profession,” British American Project, attendees of over 150 British and American businesses people and scholars, New Orleans, LA, November 1998.

## **V. TEACHING INNOVATIONS**

### **Fall 2016**

Insurance, new prep for Fall 2016, including Learning Outcomes and Skills exercises

Lawyering I, new prep for Fall 2016, including Learning Outcomes

Loyola Business School, prepared real estate law presentation, orientation

## **VI. UNIVERSITY AND COMMUNITY SERVICE**

*A. Loyola University- Various official and unofficial contributions to Loyola, some representative samples of which are as follows:*

2016

Loyola University College of Law, graduation, carried the mace for the procession, May 2016

Wrote several letters of recommendation for students, employment, bar applications, and applications for readmission

Executive Committee, University Senate, Reelected for 2016-2017

Law School, Orientation, Lawyering I, Small Group, August 2016

Teaching, working with the Skills Staff to add a skill component to his Real Estate Transactions course that is being offered Spring semester, 2016. Currently, there are 60 students enrolled in this course which is optional, not required.

Promotion Committee for William Neilson, applicant for Professor status; visited and assessed teaching for tenure applicants, Andrea Armstrong and Sandi Varnado, Fall 2015.

Moderator, Panel, J. Skelly Wright, Symposium, October 24, 2014

Law School Representative, Facilities Committee, Loyola University, newly-appointed, and participated in various meetings, Fall 2014 to present

Presentation, “Real, Real Estate Transaction, Careers,” Loyola College of Law Real Estate

Society, October 2014

Member, drafted Section IV on Faculty, Ad Hoc Self-Study Committee, Fall 2014

Sub-Committee on Service and Teaching, Rank and Tenure Committee, Trey Drury's Application for Promotion to Full Professorship status, Fall 2014

Contributor, "Faith in the Future," Loyola Campaign, Fall 2014

Member, Dux Academicus Award Nominations Committee, Fall 2014

Member, Law School Representative, University Senate, Fall 2014 to present

Faculty Advisor, several sessions with students on course selection and career paths, Fall 2014

Letters of Recommendations, wrote several letters for students, Fall 2014

Named "Masked Professor-- Michael Jackson's Triller" student food drive, October 29, 201,

Loyola University Senate, Law School Representative (2012-14)

Loyola Law (2012-14):

- Chairman, Faculty Appointments Committee
- Member, International Programs Committee
- Member, Site Visit Committee

Loyola University Rank and Tenure Committee, Law School Representative (2012-13)

Louisiana Bar Association's Diversity Committee, Loyola's Representative (2012-13)

Loyola chapter, Black Law Students Association, annual contributor (purchase a table), annual dinner (2008-13); March 19, 2010, Crusto received a "Special Recognition Award," "in recognition of his incredible support to BLSA and his commitment to encouraging the A.P. Tureaud Chapter to continue to promote the ideals it was founded on."

Loyola University (New Orleans) College of Law (2008-11)

- University Grants and Leaves Committee
- University Course Development/Faculty Development Committee

Admissions Committee (2009-11)

Chairman, Ad Hoc, Law School Diversity Committee (2010-11)

Tenure Committee, Peer Reviews of Professors John Lovett's and Trey Drury's classroom

teaching performance and report to the Committee, Fall, 2008

Mentor, Westerfield Fellow, 2008-9.

Faculty Advisor, numerous law students

*B. The Academy- Various official and unofficial contributions to the Academy, some representative samples of which are as follows:*

2016

Loyola Law Representative: Southern Association of Law Schools, 69th Annual Meeting, Steering Committee Luncheon, Amelia Island, Florida, August 7, 2016

Participant, Mock Job Interview, Southeastern Association of Law School, 69th Annual Meeting, Interviewees: Chris French, Coby Jacobs, and Bethany Corbin, Amelia Island, Florida, August 4, 2016

Respondent, Mock Job Talks, Southeastern Association of Law Schools, 69th Annual Meeting, Mentees: Chris French and Zhizu Li, Amelia Island, Florida, August 5, 2016

Commentator, Seventh Annual, John Mercer Langston, Writing Workshop, University of Miami School of Law, Coral Gables, Florida, July 7-9, 2016

Proposed and organized and will moderate a discussion group and on “Creating a Book” for the Southeastern Association of Law Schools Annual Conference, August 3-9, 2016, Amelia Island, Florida. “Creating a book or e-book, from conception, researching, writing, editing, proofreading, publishing, and marketing, is a challenging task. New and experienced authors of different genres of law books will join with publisher representatives to illuminate the painstaking process and the uniquely gratifying experience of creating a book. The goal of this panel is to provide guidance those who are planning to embark on such a journey and/or who are currently in the midst of such a journey.” Annual Conference, August 3-9, 2016, Amelia Island, Florida.”

Proposed and organized and will participate in a discussion group on the “Scope of the Second Amendment Right to Bear Arms” for the Southeastern Association of Law Schools Annual Conference, August 3-9, 2016, Amelia Island, Florida. “What is the scope of a person's right to bear arms? Over the last decade, the scope of the Second Amendment's right to bear arms has been perhaps the most debated individual liberties in the US Constitution. This discussion group will share their diverse views of this often highly contested right. The US Supreme Court in two significant decisions has arguably expanded the right beyond the “militia” rationale to include a person’s right to self-defense. Yet, in *Heller*, Justice Scalia, expressly stated that the right to bear arms is subject to government regulation; that is not absolute. Is the right limited to licensed firearms? Conventional weapons (not assault weapons)? Ammunition? Does it apply to convicted felons, and others legally or mentally incapacitated persons? Does it apply to citizens only or

to aliens? Is it subject government restrictions, including confiscation, during emergencies such as what occurred during Hurricane Katrina? Can it be restricted in sensitive places such as school zones and airports? Can it be limited in racially volatile conditions such as during the Ferguson, Missouri unrest? Or following acts of terrorism such as 911 and the Boston, Marathon bombing? These questions are just a few of those that will be discussed in this group session.”

Mentor, Junior Scholars Works-in-Progress Workshop: Private Law, SEALS, 2015 Annual Meeting, Boca Raton, Florida, Mentee: Christopher Odinet, July 28, 2015

Respondent, Mock Job Talks, SEALS, 2015 Annual Meeting, Boca Raton, Florida, Mentees: Anthony Michael Kreis and Kate Levine, July 29, 2015

CV Review Sessions, SEALS, 2015 Annual Meeting, Boca Raton, Florida, Mentees: Rory Van Loo, July 29, 2015

Mentor, New Scholar Colloquia, Trusts and Estates and Family Law, SEALS, 2014 Annual Meeting, Amelia Island, Florida, Mentee: Natalia M. Banta, August 2, 2014

Lead Commentator and Mentor, The Fifth Annual John Mercer Langston Writing Workshop, Mentee: Randle Pollard, Boyd School of Law, UNLV, Las Vegas, NV, July 10-12, 2014.

Mentor, New Scholar Program, SEALS, 2013 Annual Meeting, Palm Beach, Florida

Lead Commentator and Mentor, The Fourth Annual John Mercer Langston Writing Workshop at University of Denver Sturm College of Law, Denver, CO, July 11-14, 2013.

Letter of Recommendation, Review of Publication, Several Promotion Candidates, 2012-2013

Mentor, New Scholar Program, SEALS, 2012 Annual Meeting, Amelia Island, Florida

Commentator, The Third Annual John Mercer Langston Writing Workshop at Suffolk University Law School, Boston, MA, June 28-30, 2012.

Mentor, New Scholar Program, SEALS, 2011 Annual Meeting, Hilton Head Island, South Carolina

Commentator, The Second Annual John Mercer Langston Writing Workshop at DePaul University College of Law in Chicago, Illinois, June 23-25, 2011.

Commentary on Work in Progress, Francine Lippman, “It’s a Matter of Life and Death: A Model for the Most Important Financial Decision for Working Poor Families in America,” Third National People of Color Legal Scholarship Conference, Seton Hall University School of Law, Newark, N.J., September 11, 2010.



As a result of being selected by The Academy for Critical Incident Analysis (“Academy”) at John Jay College of Criminal Justice (CUNY), Professor Crusto collaborated on a Katrina case study on Katrina’s effects on New Orleans and its people. Information about the Academy can be found on its website at [www.aciajj.net](http://www.aciajj.net). (Summer 2010)

Commentator, the John Mercer Langston Writing Workshop at Southern Methodist University School of Law in Dallas, Texas, June 24-26, 2010.

South Carolina Law Review, Peer Review Pilot Project, Vol. 60, reviewed “Improving the Odds of Governmental Accountability in the Disaster-Prone Era: Using the 9/11 Fund Factors to Remedy the Problem of Toxic Katrina Trailers,” Fall 2008.

Planning Committee, the Southeastern Association of Law Schools (SEALS), 2009 Annual Meeting, Palm Beach, Florida, 2008-2009)

Mentor, New Scholar Program, SEALS, 2009 Annual Meeting, Palm Beach, Florida, 2008-2009 [Kenneth S. Klein, California Western School of Law, mentee].

Planning Committee, 17th Annual Midwestern People of Color Legal Scholarship Conference, Washington University and St. Louis University Schools of Law, St. Louis, Missouri, April 12-15, 2007.

Planning Committee, the Southeastern Association of Law Schools (SEALS), 2008 Annual Meeting, Palm Beach, Florida,

Planning Committee, the Southeastern Association of Law Schools (SEALS), 2007 Annual Meeting, Palm Beach, Florida, July 17, 2006.

Planning Committee, Southeast/Southwest People of Color Legal Scholarship Conference, “The Struggle Continues: Defacto Segregation in Education and Beyond,” Tulane University School of Law, Metairie, Louisiana, May 6, 2005.

Planning Committee, the Southeastern Association of Law Schools (SEALS), 2006 Annual Meeting, Palm Beach, Florida, July 17, 2006.

Planning Committee, the Southeastern Association of Law Schools, Annual Meeting, Hilton Head, South Carolina, July 22, 2005.

The JD Project, Inc., Supporter, promoting diversity in the legal profession.

Mentor to numerous emerging scholars in various parts of the country

Reviewed scholarship and wrote letters in consideration of several tenure applicants throughout country

Mentor, University of New Orleans, Pre-Law Society

*C. New Orleans Community- Various official and unofficial contributions to the New Orleans community, some representative samples of which are as follows:*

2014

Louisiana Bar Association, Diversity Committee, law school representative, Fall 2014

Dillard University, Justice Revis Ortique Center, pre-law program advisor, Fall 2014

Contributor, Catholic Charities, Fall 2014

Major Contributor, Second Harvester, food bank, Fall 2014

Contributor, Louisiana Bar Foundation, Fall 2014

Contributor, St. Augustine High School, Fall 2014

Contributor, St. Peter Claver Church, Fall 2014

2013

St. Augustine High School Board of Directors, Member (2012-13); member of various committees

Planning Committee, Pre-Law Program, Dillard University, New Orleans, LA

Financial Contributor, Catholic Charities, New Orleans, LA and St. Louis, MO

New Orleans Public Schools, mentorship and scholarship program, supporting the educational development of several at risk students. Spoke with 3<sup>rd</sup> and 4<sup>th</sup> graders about legal profession, Robert R. Moten Charter School, January 21, 2009, Education Committee, Alpha Alpha Boulet, Education Project. Spoke with 7<sup>th</sup> and 8<sup>th</sup> graders about the legal profession, M.L. King Charter School, Alpha Alpha Boulet, Education Project. January 2009.

Crusto served as a Breakout Session Leader on Teambuilding at the Junior Achievement, "Connecting to Success," Annual Conference for High School Students, on April 22, 2010, at the Delgado City Park Student Life Center.

Louisiana Bar Foundation, Fellow, contributor

Founder of Katrina Justice, legal support group to promote fair treatment in Katrina insurance claims litigation (2007-9).

*D. Charitable Affiliations- Various official and unofficial contributions to the charitable*

*organizations, some representative samples of which are as follows:*

Catholic Archbishop's Appeal for Greater St. Louis, contributor

Greater New Orleans Foundation, contributor

Second Harvest Food Bank of Greater New Orleans and Acadiana, contributor

Saint Peter Claver Church, New Orleans, contributor

United Way, contributor

St. Jude Children Hospital, "Partners in Hope," contributor

Sigma Pi Phi Foundation, contributor

Association of Marshall Scholars, contributor

British-American Project, contributor

Friends of St. Catz, Oxford, England, supporter

Yale University, contributor

University of Miami School of Law, H.O.P.E. Program Fund, contributor

McDonogh City Park Academy, tap dance, LEAP program, contributor

Alpha Phi Alpha Fraternity, Inc, contributor

Mount Holyoke College, contributor

Champions Kids Camp, Houston, contributor

Komen Tarrant County Race for the Cure, Susan G. Komen Breast Cancer Foundation, contributor

*E. National Political Community*

"Republicans for Obama Committee," op ed submissions and policy statements  
Planning Committee, 17th Annual Midwestern People of Color Legal Scholarship  
Conference, Washington University and St. Louis University Schools of Law, St. Louis,  
Missouri, April 12-15, 2007.

**VII. CITATIONS (See X FURTHER CITATIONS)**

Brief for the National Association of Criminal Defense Lawyers as Amicus Curiae in Support of Defendants-Appellees' Petition for Rehearing En Banc at 9, *U.S. v. SDI Future Health, Inc.*, No. 2:05-cr-0078-PMP-GWF (9th Cir. Feb. 27, 2009). The panel's opinion also greatly elevates corporate form over Fourth Amendment substance. Individuals elect to incorporate their small businesses for any one of a number of reasons. Incorporating a business offers several advantages, including limited liability, the ability to sue, perpetual life, the ability to contract, centralized management, and tax advantages. See, e.g., *Falwell v. Miller*, 203 F. Supp. 2d 624, 631 n.7 (W.D.Va. 2002); *Manley v. AmBase Corp.*, 121 F. Supp. 2d 758, 770 n.11 (S.D.N.Y. 2000); Mitchell F. Crusto, *Green Business: Should We Revoke Corporate Charters for Environmental Violations?*, 63 LA. L. REV. 175, 186 (2003).

Brief for Plaintiff-Appellant at 22-23, *Kolbe v. BAC Home Loans Servicing, LP*, 695 F.3d 111 (1st Cir., 2011) (No. 11-2030), 2011 WL 5323298 at \*22-23 The casualty insurance industry has always viewed hazard insurance as separate and apart from flood insurance. In the early part of the twentieth century, homeowners had to buy separate insurance policies to protect each particular risk. For example, to insure against both fire and theft, one would have to buy a fire insurance policy and a separate theft insurance policy. Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 HARVARD J. ON LEGIS. 329, 334 (2006). Beginning in the 1950's, insurance companies began offering "comprehensive hazard policies" that protected against damage from many hazards including fire, wind, theft and hail. *Id.* However, these policies uniformly did not provide coverage for damage caused by floods. *Id.* In fact, to this day, hazard insurance policies (also known as homeowners' policies) expressly exclude flood damage from coverage. See Crusto, 43 HARVARD J. ON LEGIS. at 335; . . . .

*Kolbe v. BAC Home Loans Servicing, LP*, 695 F.3d 111, 119 (1st Cir. 2012) Thus, in effect, Congress found that floods were not customarily among the hazards protected by standard homeowners' insurance policies. See Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 HARV. J. ON LEGIS. 329, 335 (2006) ("The insurance industry has generally excluded flood damage in a homeowners policy because flood insurance is not commercially viable."); US Gov't Accountability Office, GAO 07-1078, National Flood Insurance Program: FEMA's [Federal Emergency Management Agency] Management and Oversight of Payments for Insurance Company Services Should be Improved, at 8 (2007) (noting that "flooding is generally excluded from homeowner policies that typically cover damage from other losses, such as wind, fire, and theft").

Brief for Plaintiff-Appellant at 25, *Lacroix v. U.S. Bank*, No. 12-2701 (8th Cir., Sept. 7, 2012), 2012 WL 4061609 at \*25 Generally, homeowner and other property casualty insurance policies do not provide coverage for potential financial loss that may be caused by flooding damage.

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review/qa/floodinsurance](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/floodinsurance) (last visited Sept. 7, 2012); accord, *Davis v. Allstate Ins. Co.*, No. 07-4572, 2009 WL 122761, at \*2 (E.D. La. Jan. 15, 2009) (“There is no dispute that damage from flood is excluded under the homeowner's policy. Because there is no coverage for damage from flood under the homeowner’s policy, both policies of insurance do not cover the same loss.”); Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 HARVARD J. ON LEGIS. 329, 334 (2006).

## VIII. MEDIA COVERAGE

Professor Mitch Crusto was cited in an article by the Philadelphia Inquirer titled "[How a 1980s Pa. traffic ordinance could influence Bridgegate case.](#)" The Fort Lee lane closure scandal involves top aides to New Jersey Governor Chris Christie closing access lanes over the George Washington Bridge, disrupting commuter access to Manhattan, May 07, 2016, [http://articles.philly.com/2016-05-07/news/72913215\\_1\\_david-wildstein-bridget-anne-kelly-port-authority](http://articles.philly.com/2016-05-07/news/72913215_1_david-wildstein-bridget-anne-kelly-port-authority).

Interviewed and quoted in “U.S. Marks the 150<sup>th</sup> Anniversary of the Thirteenth Amendment,” *The Louisiana Weekly*, December 14, 2015, <http://www.louisianaweekly.com/u-s-marks-the-150th-anniversary-of-the-thirteenth-amendment/>:

“Despite the 13th Amendment, today we still face vestiges of enslavement of African Americans,” Mitch Crusto, the Henry F. Bonura Jr. Distinguished Professor of Law at Loyola University of New Orleans and author of a new book titled *Involuntary Heroes: Hurricane Katrina’s Impact on Civil Liberties*, told *The Louisiana Weekly* Friday. “One example is the socioeconomic inequalities resulting from continuing racism and another is our prison system.

“The 13th Amendment makes an expressed exception for criminal activity — that’s a curious exception. I’m not quite certain why that exception was made other than the reality that if you were deemed a criminal it would effectively enslave you.”

“Incarceration certainly continues to enslave people physically so they are limited in their movement,” Crusto said when asked if there was a correlation between the 13th Amendment’s exception allowing slavery in penal institutions and mass incarceration today. “And it does provide enslavers — the people who run private prisons — significant economic benefit, which the slavery system did as well.

“So there’s still parallelisms between historical, 19th-century slavery and 21st-century enslavement but it’s not as significant a number of people impacted as the enslavement of a whole race of people.”

The Louisiana Weekly asked if slavery was allowed to evolve rather than be abolished or eliminated altogether.

“Absolutely, because slavery did not end with the 13th Amendment,” Crusto said. “In the early 20th century we still had similar forms of enslavement — a lot of people just really weren’t given the same freedoms.

“To some extent we have relinquished those types of sharecropping arrangements for some African Americans and then sometimes replaced them with Mexican Americans and other marginalized people.

“We have not replaced them completely,” Crusto added. “There are still a lot of Black people in similar situations. We have kind of swapped people out.”

“The good news is that in America people are no longer the legal property of others — except the state,” Crusto told The Louisiana Weekly. “People are no longer the property of individuals, although they continue to be in some instances property of the state. That’s pretty significant.”

That’s the good news. Crusto said there are still some glaring injustices that need to be addressed.

In his book, *Involuntary Heroes*, Crusto devoted a chapter to the Crescent City Connection incident during which law enforcement officers prevented New Orleans residents from crossing over to the West Bank in the wake of Hurricane Katrina.

“The federal court has found that you do not have a right to travel within your own state,” he said. “That’s been upheld by the U.S. Fifth Circuit Court of Appeals. “That’s a vestige of slavery, in my opinion. The fact that you don’t have an essential and fundamental right of freedom of movement... We really have not eradicated all aspects of enslavement within the law when you don’t have a fundamental right to travel, freedom of movement.”

Analyzed BP Litigation proposed settlement on PBS, *Nightly Business Report*, November 16, 2012, available at [KOAB\\_11-16-2012\\_05.03.05.mp4.m... \(8.4 MB\)](#)

Analyzed the proposed multi-billion dollar, partial settlement and its relationship to Multi-District Litigation during an interview with The Associated Press (AP), quoted in the AP piece “BP Settlement includes New Health Claims Process, on March 4, 2012.”

Interviewed on National Public Radio (NPR), Monday, August 16, 2010, by Linda Wertheimer, about the consolidation of more than 300 lawsuits relating to the BP Oil Spill in the Gulf of Mexico, and on U.S. District Judge Carl Barbier, a Loyola Law graduate, presiding over the consolidated BP cases.

“Insurers Use Federal Cash to Help Pay Claims,” Rebecca Mowbray, The Times-Picayune, citing “But Loyola insurance law professor Mitchell Crusto said the most important point is that three years after the storm, thousands of people are still stuck in litigation, waiting for proper payment for their storm damage. Although the Louisiana Department of Insurance ran a mediation program after the 2005 storms that served 12,242 people, more needs to be done to resolve claims and get people paid,” August , 27, 2008, available at [http://blog.nola.com/tpmoney/2008/08/insurers\\_use\\_federal\\_cash\\_to\\_h.html](http://blog.nola.com/tpmoney/2008/08/insurers_use_federal_cash_to_h.html)

“Court Takes the Lead on Tough Insurance Issue,” Re: “Court Says Policies Exclude Flood,” Letter to the Editors, The Times-Picayune, April 13, 2008, available at <http://www.law.miami.edu/news.php?article=905> (last visited 7/24/2008).

“Valued Policy Law is Opposed: Appeal Ruling Adds Competing Opinion,” Rebecca Mowbray, The Times-Picayune, citing Mitchell F. Crusto’s Louisiana Bar Journal and interview comments, Thursday, August 30, 2007, available at <http://www.nola.com/timespic/stories/index.ssf?/base/money-3/1188459670140080.xml&coll=1&thispage=2>

## **IX. PROFESSIONAL CREDENTIALS AND ACHIEVEMENTS**

### **A. Professional Credentials**

National and State Bar Associations:

American, Federal, American Corporate Counsel,  
Illinois, Louisiana and Missouri (inactive),

Co-Vice Chairman, ABA's Intern. Env.l Law Committee; Environmental Law Institute

Federal Courts:

U.S. Tax Court; U.S. Appeals, Fifth Circuit; and U.S. Court, Eastern District of Louisiana

International:

Honorable Society of the Middle Temple (British Barrister Association)  
Chartered Institute of Arbitration, London, England, Associate Member

### **B. Securities Credentials/ Experience**

Licensed Stockbroker (Series 7 and 63), General Securities Principal (Series 24),  
Financial and Operations Principal (Series 27), General Municipal Principal (Series 53)  
New York Stock Exchange, Allied Member

Securities Industry Association, Compliance and Legal Division, Lecturer  
Missouri Mutual Funds Association, Vice President  
National Association of Securities Dealers, Arbitrator  
Securities Advisor to the Secretary of State, Missouri

### **C. Other Significant Achievements**

Who's Who in America	1991 to Present
Who's Who Among American Lawyers	1991 to Present
Who's Who in Finance and Business, 37th edition	2009-10
National Association of Black County Officials, speaker	May 1994
British-American Project for the Successor Generation	1987 to Present
United Way "Leadership" Participant, high-level gift-giving	1991 to Present
President Bush's Initiative on Historically Black Colleges	1989 to 1991
Lincoln University, Vice President, Board of Curators	1986 to 1988
Leadership St. Louis, Danforth Foundation, Participant	1986 to 1987

**X. PERSONAL**

Born: April 22, 1953; African-American; Catholic  
 Married: Lisa Jupiter Crusto  
 Children: Eve Michelle Crusto, Theresa Ann Byles (stepdaughter), and Mia Elizabeth Crusto

**XI. FURTHER CITATIONS:**

**Mitchell F. Crusto, Henry F. Bonura, Jr. Distinguished Professor of Law  
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***What Black America Wants from the Republican Party*, RIPON FORUM, Feb. 1988, at 10**

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***Federalism and Civil Rights, the Meredith Case*, 11 NAT'L BLACK L.J. 301 (1989)**

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***Mr. Bush and the Plight of Urban African- Americans*, RIPON FORUM, Feb. 1989, at 14**

**Cited in:**

Edward Ashbee, *The Republican Party and the African-American Vote Since 1964*, in BLACK CONSERVATISM: ESSAYS IN INTELLECTUAL AND POLITICAL



HISTORY 259 (Peter R. Eisenstadt ed., Garland Publ'g 1999)

***Environmental Risk Management Programs Expand into the Banking Community*,  
ILLINOIS BANKER, July 1993, at 10 (Co-author, with Joseph Egan & Julie Holzhall)**

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11 GEO. INT'L ENVTL. L. REV. 499 (1999)**

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Lakshman Guruswamy, *Climate Change: The Next Dimension*, 9 J. TRANSNAT'L  
L. & POL'Y 341, 345 (2000)

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ENFORCEMENT 426 (2001)

Mitchell F. Crusto, *Green Business: Should We Revoke Corporate Charters for  
Environmental Violations?*, 63 LA. L. REV. 175, 197 (2003)

Christiana Ochoa, *Advancing the Language of Human Rights in a Global  
Economic Order: An Analysis of a Discourse*, 23 B.C. THIRD WORLD L.J. 57, 72  
(2003)

Randon H. Draper, *Attacking Military Environmental Cleanup on Foreign Soil:  
Should CERCLA Principles Apply?*, 12 BUFF. ENVTL. L.J. 53, 62 (2004)

Katrina L. Fischer, *Harnessing the Treaty Power in Support of Environmental  
Regulation of Activities That Don't "Substantially Affect Interstate Commerce"*:  
*Recognizing the Realities of the New Federalism*, 22 VA. ENVTL. L.J. 167, 198  
(2004)

Mitchell F. Crusto, *Endangered Green Reports: 'Cumulative Materiality' in  
Corporate Environmental Disclosure After Sarbanes-Oxley?*, 42 HARV. J. ON  
LEGIS. 483, 508 (2005)

Thomas Daniel Wuertenberger, *The Regulation of CO2 Emissions Caused by  
Private Gouseholds - An Analysis of the Legal Situation in the European Inion  
and Germany*, 16 MO. ENVTL. L. & POL'Y REV. 1, 56 (2009)

Arnold W. Reitze, Jr., *Federal Control of Greenhouse Gas Emissions*, 40 ENVTL.  
L. 1261, 1266 (2010)

***The Supreme Court's "New" Federalism: An Anti-Rights Agenda?*, 16 GA. ST. U. L.**

**REV. 517 (2000)**

**Cited in:**

Eric K. Yamamoto et al., *Dismantling Civil Rights: Multiracial Resistance and Reconstruction*, 31 CUMB. L. REV. 523, 552 (2001)

Risa E. Kaufman, *State Eras in the New Era: Securing Poor Women's Equality by Eliminating Reproductive-Based Discrimination*, 24 HARV. WOMEN'S L.J. 191, 191, 218 (2001)

Andrea Wang, *Illinois v. Wardlow and the Crisis of Legitimacy: An Argument for a "Real Cost" Balancing Test*, 19 LAW & INEQ. 1, 29 (2001)

Stephanie Chapman, Note, *Constitutional Law: MCI Telecommunications Corp. v. Public Service Commission - The Tenth Circuit Rebuffs the Supreme Court Trend Supporting State Immunity*, 55 OKLA. L. REV. 175, 188 (2002)

Andrew Riggs Dunlap, Note, *Fixing the Fourth Amendment with Trade Secret Law: A Response to Kyllo v. United States*, 90 GEO. L.J. 2175, 2199 (2002)

Andrea M. Seielstad, *The Recognition and Evolution of Tribal Sovereign Immunity Under Federal Law: Legal, Historical, and Normative Reflections on a Fundamental Aspect of American Indian Sovereignty*, 37 TULSA L. REV. 661, 663 (2002)

George D. Brown, *New Federalism's Unanswered Question: Who Should Prosecute State and Local Officials for Political Corruption?*, 60 WASH. & LEE L. REV. 417, 438-439 (2003)

Eric K. Yamamoto, *Reclaiming Civil Rights in Uncivil Times*, 1 HASTINGS RACE & POVERTY L.J. 11, 17 (2003)

John W. Leardi, Comment, *Reflections on United States v. Craft: Justifying a New Federal Common Law of Property?*, 34 SETON HALL L. REV. 1353, 1355 (2004)

Robert Justin Lipkin, *Federalism as Balance*, 79 TUL. L. REV. 93, 101 (2004)

Mitchell F. Crustos, *Blackness as Property: Sex, Race, Status, and Wealth*, 1 STAN. J. CIV. RTS. & CIV. LIBERTIES 51, 72 (2005)

Charles S. Bullock III & Ronald Keith Gaddie, *Voting Rights Progress in Georgia*, 10 N.Y.U. J. LEGIS. & PUB. POL'Y 1, 13 (2006-2007)

Megan Grill, Comment, *Walking the Line: The Rehnquist Court's Reverence for Federalism and Official Discretion in Deshaney and Castle Rock*, 10 LEWIS &

CLARK L. REV. 487, 490, 492 (2006)

Edward J. Loya Jr., *Judicial Supremacy and Federalism: A Closer Look at Danforth and Moore*, 2008 CATO SUP. CT. REV. 161, 186 (2008)

Kathryn M. Caretti & N. Pieter M. O'Leary, *The Story of the Jena Six: The Interplay of History, Hate Crimes, Racial Inequality, and Legal Justice in Jena, Louisiana*, 1 HUM. RTS. & GLOBALIZATION L. REV. 3, 11 (2008)

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Bryan A. Garner, GARNER'S DICTIONARY OF LEGAL USAGE 366 (2011)

Jennifer G. Roma, Case Comment, *Criminal Law: Fourth Circuit Holds Retroactive Application of Federal Sentencing Guidelines Amendments Violates Ex Post Facto Clause: United States v. Lewis*, 606 F.3D 193 (4TH CIR. 2010), 44 SUFFOLK U. L. REV. 795, 798 (2011)

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James A. Kushner, GOVERNMENT DISCRIMINATION: EQUAL PROTECTION LAW & LITIGATION §§1:5, 7:9 (2012)

Michael D. McKirgan, Comment, *Under-Regulation in the State Prison Food System: Consequences and a Proposal for Change*, 9 J. FOOD L. & POL'Y 275, 303 (2013)

Sanford Levinson, *The Twenty-First Century Rediscovery of Nullification and Secession in American Political Rhetoric: Frivolousness Incarnate or Serious Arguments to be Wrestled With?*, 67 ARK. L. REV. 17, 35-36 (2014)

Peter L. Markowitz, *Undocumented No More: The Power of State Citizenship*, 67 STAN. L. REV. 869, 873 (2015)

Justin Willis McKithen, Note, *Playing Favorites: Congress's Denial of Equal Sovereignty to the States in the Professional and Amateur Sports Protection Act*, 49 GA. L. REV. 539, 559 (2015)

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**Cited in:**

Larry E. Ribstein & Jeffrey M. Lipshaw, UNINCORPORATED BUSINESS ENTITIES 66

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Mitchell F. Crusto, *Unconscious Classism: Entity Equality for Sole Proprietors*, 11 U. PA. J. CONST. L. 215 *passim* (2009)

Emeka Duruigbo, *Avoiding a Limited Future for the De Facto LLC and LLC by Estoppel*, 12 U. PA. J. BUS. L. 1013, 1077 (2010)

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**2008 to Present**  
**December 17, 2015**

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The panel's opinion also greatly elevates corporate form over Fourth Amendment substance. Individuals elect to incorporate their small businesses for any one of a number of reasons. Incorporating a business offers several advantages, including limited liability, the ability to sue, perpetual life, the ability to contract, centralized management, and tax advantages. See, e.g., *Falwell v. Miller*, 203 F. Supp. 2d 624, 631 n.7 (W.D.Va. 2002); *Manley v. AmBase Corp.*, 121 F. Supp. 2d 758, 770 n.11 (S.D.N.Y. 2000); **Mitchell F. Crusto, *Green Business: Should We Revoke Corporate Charters for Environmental Violations?*, 63 LA. L. REV. 175, 186 (2003).**

Brief for Plaintiff-Appellant at 22-23, *Kolbe v. BAC Home Loans Servicing, LP*, 695 F.3d 111 (1st Cir., 2011) (No. 11-2030), 2011 WL 5323298 at \*22-23

The casualty insurance industry has always viewed hazard insurance as separate and apart from flood insurance. In the early part of the twentieth century, homeowners had to buy separate insurance policies to protect each particular risk. For example, to insure against both fire and theft, one would have to buy a fire insurance policy and a separate theft insurance policy. **Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 Harvard J. on Legis. 329, 334 (2006). Beginning in the 1950's, insurance companies began offering "comprehensive hazard policies" that protected against damage from many hazards including fire, wind, theft and hail. *Id.* However, these policies uniformly did not provide coverage for damage caused by floods. *Id.* In fact, to this day, hazard insurance policies (also known as homeowners' policies) expressly exclude flood damage from coverage. See Crusto, 43 Harvard J. on Legis. at 335; . . .**

*Kolbe v. BAC Home Loans Servicing, LP*, 695 F.3d 111, 119 (1st Cir. 2012)

Thus, in effect, Congress found that floods were not customarily among the hazards protected by standard homeowners' insurance policies. See **Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 Harv. J. on Legis. 329, 335 (2006)** ("The insurance industry has generally excluded flood damage in a homeowners policy because flood insurance is not commercially viable."); US Gov't Accountability Office, GAO 07-1078, National Flood Insurance Program: FEMA's [Federal Emergency Management Agency] Management and Oversight of Payments for Insurance Company Services Should be Improved, at 8 (2007) (noting that "flooding is generally excluded from homeowner policies that typically cover damage from

other losses, such as wind, fire, and theft”).

Brief for Plaintiff-Appellant at 25, *Lacroix v. U.S. Bank*, No. 12-2701 (8th Cir., Sept. 7, 2012), 2012 WL 4061609 at \*25

Generally, homeowner and other property casualty insurance policies do not provide coverage for potential financial loss that may be caused by flooding damage. [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review/qa/floodinsurance](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/floodinsurance) (last visited Sept. 7, 2012); accord, *Davis v. Allstate Ins. Co.*, No. 07-4572, 2009 WL 122761, at \*2 (E.D. La. Jan. 15, 2009) (“There is no dispute that damage from flood is excluded under the homeowner's policy. Because there is no coverage for damage from flood under the homeowner's policy, both policies of insurance do not cover the same loss.”); **Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 *Harvard J. on Legis.* 329, 334 (2006).**

*Kolbe v. BAC Home Loans Servicing, LP*, 738 F.3d 432, 449, 480 (1<sup>st</sup> Cir. 2013)

We explain why. In the middle of the twentieth century, insurance companies began issuing comprehensive hazard insurance policies that covered against a wide variety of risks. **Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 *Harv. J. on Legis.* 329, 334 (2006).**

...

Thus, in effect, Congress found that floods were not customarily among the hazards protected by standard homeowners' insurance policies. **See Mitchell F. Crusto, *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 *Harv. J. on Legis.* 329, 335 (2006)** (“The insurance industry has generally excluded flood damage in a homeowners policy because flood insurance is not commercially viable.”); ...