

Robert T. Sherwin

Champions in Advocacy Endowed Professor of Law
Director of Advocacy Programs
Texas Tech University School of Law
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TEACHING EXPERIENCE

TEXAS TECH UNIVERSITY SCHOOL OF LAW

2008-present

Lubbock, Texas

Champions in Advocacy Endowed Professor of Law and Director of Advocacy Programs

(Associate Professor of Advocacy and Skills Development and Director of Advocacy Programs, 2013-14; Adjunct Professor of Law and Director of Advocacy Programs, 2008-2013)

- Courses taught:
 - Appellate Advocacy (fall 2008-13, spring 2015-19).
 - Commercial Litigation (spring 2009-19).
 - Consumer Law (spring 2018).
 - Entertainment Law (fall 2009-11, spring 2014, fall 2014-18).
 - Introduction to the Study of Law (fall 2019-22).
 - Products Liability (summer 2008, spring 2012).
 - Sports Law (spring 2011).
 - Trial Advocacy (fall 2012-13, spring 2013, fall 2014-18).
- During tenure as Director of Advocacy Programs, the school's competition teams have claimed:
 - 36 national and international championships.
 - 56 state and regional championships.
 - 103 Best Brief and Best Advocate awards.
- During tenure as Director of Advocacy Programs, the school's moot court and competition programs have been ranked:
 - No. 1 in 2019-20 (American Bar Association Competitions Championship).
 - No. 1 in 2018-19 (American Bar Association Competitions Championship).
 - No. 1 in 2015-16 (Blakely Advocacy Institute moot court rankings).
 - No. 2 in 2020-21 (American Bar Association Competitions Championship).
 - No. 2 in 2017-18 (American Bar Association Competitions Championship).
 - No. 2 in 2010-11 (Blakely Advocacy Institute moot court rankings).
 - No. 3 in 2021-22 (Blakely Advocacy Institute moot court rankings).
 - No. 3 in 2020-21 (Blakely Advocacy Institute moot court rankings).

- No. 3 in 2009-10 (Blakely Advocacy Institute moot court rankings).
- No. 4 in 2013-14 (Blakely Advocacy Institute moot court rankings).
- The school's moot court program is one of only three to rank in the top 25 of the Blakely Advocacy Institute moot court rankings each year since 2009-10.

TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW 2007-08
 (now TEXAS A&M UNIVERSITY SCHOOL OF LAW)
Fort Worth, Texas
 Visiting Associate Professor of Law and Director of Advocacy Programs
 (Adjunct Professor of Law, 2002-2007)

- Courses taught: Federal Civil Procedure and First Amendment Law.

TEXAS CHRISTIAN UNIVERSITY, 2006-08
 BOB SCHIEFFER COLLEGE OF COMMUNICATION
Fort Worth, Texas
 Adjunct Professor

- Course taught: Law and Ethics of Mass Communication.

LAW REVIEW ARTICLES

- *The Changing Landscape of the Texas Citizens Participation Act* (co-author), 52 TEXAS TECH LAW REVIEW 163 (2020).
- *Shoot First, Litigate Later: Declaratory Judgment Actions, Procedural Fencing, and Itchy Trigger Fingers*, 70 OKLAHOMA LAW REVIEW 793 (2018).
- *Evidence? We Don't Need No Stinkin' Evidence!: How Ambiguity in Some States' Anti-SLAPP Laws Threatens to De-Fang a Popular and Powerful Weapon Against Frivolous Litigation*, 40 COLUMBIA JOURNAL OF LAW & THE ARTS 431 (2017).
- *#havewereallythoughtthisthrough?: Why Granting Trademark Protection to Hashtags is Unnecessary, Duplicative, and Downright Dangerous*, 29 HARVARD JOURNAL OF LAW & TECHNOLOGY 455 (2016). The Harvard Journal of Law & Technology is currently ranked 44th among all law journals, and first among intellectual property journals, by Washington and Lee University School of Law.
- *Clones, Thugs, 'N (Eventual?) Harmony: Using the Federal Rules of Civil Procedure to Simulate a Statutory Defamation Defense and Make the World Safe from Copyright Bullies*, 64 DEPAUL LAW REVIEW 823 (2015). Selected as lead article in Book 3 of Volume 64. At the time of selection for publication, the DePaul Law Review

was ranked 48th among all general law journals by Washington and Lee University School of Law.

- “Source” of Protection: *The Status of the Reporter’s Privilege in Texas and a Call to Arms for the State’s Legislators and Journalists*, 32 TEXAS TECH LAW REVIEW 137 (2000).

OTHER LEGAL SCHOLARSHIP

- *Teaching Negotiation to 1Ls* (co-author), THE LEARNING CURVE (Newsletter of the Academic Support Section of the AALS) (Winter 2015).
- *Drama Builds in Barry Bonds Perjury Trial*, SPORTS LITIGATION ALERT (April 8, 2011).
- ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (Macmillan Reference USA 2008) (entries for *Garcetti v. Ceballos*, 126 S. Ct. 1951 (2006); *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484 (1996); and *Wisconsin v. Mitchell*, 508 U.S. 476 (1993)).
- Video: *Participating in Law School Advocacy Competitions*, State Bar of Texas Ten-Minute Mentor Goes to Law School series, <http://www.tnmlawschool.com>.

PRESENTATIONS

- *Dodg(er)ing History: The Battle of Chavez Ravine and What It Can Teach Us About So-Called “Critical Race Theory”*, presented at the National Baseball Hall of Fame Cooperstown Symposium on Baseball and American Culture, June 2022.
- *Tech Law’s Advocacy Program: Past and Present*, presented at the Lubbock Rotary Club, March 2022.
- *Free Speech, the Communications Decency Act, and “Big Tech” Censorship*, presented to the Lubbock Area Bar Association, June 2021.
- *Anti-SLAPP Litigation: Issues in the Appellate Courts*, presented at Texas Center for the Judiciary 2020 Annual Judicial Education Conference, September 2020.
- *Strategies for Teaching Briefwriting*, presented at the Training Advocates Conference, August 2020.
- *The Latest Developments in Anti-SLAPP Litigation*, presented at Texas Center for the Judiciary 2019 Annual Judicial Education Conference, September 2019.

- *The Texas Citizens Protection Act, Take 2: How Legislative Changes to Texas's Anti-SLAPP Law Will Affect the Civil Litigation Landscape*, presented to the Lubbock Area Bar Association, September 2019.
- *Legislative Changes to the Texas Citizens Participation Act* (co-presenter), presented to University of Texas School of Law Continuing Legal Education (available at <https://utcle.org/ecourses/OC7946>), August 2019.
- *The Latest Developments in Anti-SLAPP Litigation*, presented at Texas Center for the Judiciary 2018 Annual Judicial Education Conference, September 2018.
- *The Pedagogical Critique*, presented at American University Washington College of Law National Coaches and Competitions Clinic, August 2018.
- *Bigfoot, UFOs, and a Prestigious Legal Pedigree: Busting the Myths About Article Writing and Publication* (co-presenter), presented at Legal Writing Institute Biennial Conference, July 2018.
- Panelist — *Social Media and Government Accountability in the Age of Fake News*, presented at State Bar of Texas Annual Meeting, June 2018.
- *Developments in Texas Anti-SLAPP Legislation*, presented at Texas Center for the Judiciary 2018 Civil Justice Conference, March 2018.
- Panelist — *Utilizing ADR Competitions to Foster Practical Dispute Resolution Skills*, presented at Southeastern Association of Law Schools 2017 Annual Conference, July 2017.
- *The Texas Citizens Participation Act at Age 5: Growing Pains as the State Attempts to SLAPP Down Frivolous Litigation*, presented to Lubbock Area Bar Association, September 2016, and South Plains Trial Lawyers Association, October 2017.
- *Tie Goes to the Runner! (Or Does it?): One Lawyer's Take on Baseball's Rules and an Age-Old Argument Settler*, presented at the National Baseball Hall of Fame Cooperstown Symposium on Baseball and American Culture, June 2016.
- Panelist — *Defining Media in the Digital Age*, presented at State Bar of Texas Annual Meeting, June 2016.
- Panelist — *Making a Murderer*, presented to Texas Tech University School of Law, January 2016.
- *The Moot Court Competition Brief and Pedagogy: How Coaches and Advisors Can Teach When Competition Rules Seem to Prevent It*, presented at Legal Writing Institute Moot Court Conference, October 2014.

- *Lessons From Our Founding Fathers: The Art of Negotiating as an Inherent Principle in Successful Advocacy* (co-presenter), presented at Legal Writing Institute Biennial Conference, July 2014.
- *Happy? Birthday Title IX: What's Changed in Women's Athletics in 40 Years, and Are Those Changes Fair to Men?*, presented to Texas Tech University Honors College, November 2012.
- Panelist – *Promoting Advocacy Training at Non-Advocacy Schools*, presented at Southeastern Association of Law Schools 2012 Annual Conference, July 2012.
- Panelist – *Moot Court Advisors Roundtable*, presented at Legal Writing Institute Biennial Conference, May 2012.
- *Leadership Through Law School Advocacy Programs*, presented to Leadership Lubbock/Lubbock Chamber of Commerce, April 2012.
- *Is Moot Court a Moot Point? The Differences (and Similarities) Between Law School Moot Court and the Practice of Law*, presented at Lone Star Legal Research and Writing Conference, May 2009.
- *Discovering the New E-Discovery Rules in Federal Court*, presented to Fort Worth-Tarrant County Young Lawyers Association, September 2007.
- *Copyright Law for the General Practitioner*, presented to Fort Worth-Tarrant County Young Lawyers Association, October 2006.

EDUCATION

TEXAS TECH UNIVERSITY SCHOOL OF LAW Lubbock, Texas

1998-2001

- Doctor of Jurisprudence (*cum laude*), 2001.
- Jurisprudence Awards in Products Liability, Trial Advocacy, Criminal Procedure, Legal Practice I, and Legal Practice II.
- Casenote/Comment Editor – TEXAS TECH LAW REVIEW.
 - Winner – Volume 32 Best Article Award.
- Member – national advocacy teams.
 - National Semifinalist – National Moot Court Competition (4th best brief in nation).
 - National Semifinalist – National Appellate Advocacy Competition (4th best brief in nation).
 - National Order of the Barristers.

TEXAS CHRISTIAN UNIVERSITY
Fort Worth, Texas

1994-98

- Bachelor of Science (*magna cum laude*) in news-editorial journalism, 1998.
 - Minors in political science and speech communication.
 - Senior Scholar Award for the graduating student with the highest GPA in department.
- Managing Editor – *TCU Daily Skiff* (campus newspaper).
- TCU Outstanding Student Body Leader Award (1997-98).
- Who's Who Among American College Students.
- Mortar Board Senior Honor Society.
- President – Phi Delta Theta social fraternity.

PROFESSIONAL EXPERIENCE

BRACKETT & ELLIS, P.C.
Fort Worth, Texas
Associate Attorney

2001-07

- Represented clients in complex commercial litigation matters in federal and state trial and appellate courts.
- Tried to verdict more than ten civil cases as first-chair counsel.

PROFESSIONAL AND COMMUNITY SERVICE ACTIVITIES

- Reporter – *Drafting Committee on Anti-SLAPP Act*, Uniform Law Commission, National Conference of Commissioners on Uniform State Laws (2017-2020).
- Treasurer— Lubbock Area Bar Association (2022-present) (Director, 2019-22).
- Faculty advisor – Texas Tech University School of Law Board of Barristers (2008-present).
- Co-faculty advisor – Texas Tech University School of Law Public Interest Scholarship Auction Student Committee (2017-present).

- Co-Chair – Legal Writing Institute Moot Court Committee (2016-18) (member, 2014-2016).
- Member – State Bar of Texas District 16 Grievance Committee (2016-19).
- Programming Committee – Texas Tech University School of Law American Inn of Court (2016-17).
- Attorney participant – Texas Tech University School of Law Pro Bono Clinics (2008-present).
- Member – Texas Tech University School of Law Adjunct Review Committee (2015-21).
- Member – Texas Tech University School of Law Honor Council (2013-15) (Honor Council Investigator, 2018-19, 2021-22).
- Member – Ph.D. Committee of Kenneth Pybus, Texas Tech University Department of Journalism and Electronic Media.
- Member – Texas Tech University School of Law Strategic Planning Committee (2011-12).
- Member – Texas Tech University School of Law Admissions Committee (2008-11).
- Faculty member – Center for American and International Law’s Cross Examination and Impeachment Seminar, December 2008 and 2009.
- Faculty advisor – Texas Wesleyan University School of Law Moot Court Board (2007-08).
- Sole author and editor of “The Bench Brief” (www.thebenchbrief.com), a weblog on the topic of law school advocacy programs maintained for the benefit of law students and professors (2008-12).
- Pro-bono legal counsel to low-income condominium association in Grand Prairie, Texas (2007-11).
- Treasurer (2007); Board of Directors (2006-07) – Tarrant County Young Lawyers Association.
- Coordinator of Tarrant County Young Lawyers Association’s annual toy drive and Christmas party for underprivileged children (2006 and 2007).

ADMISSIONS, HONORS, AND AFFILIATIONS

- Admitted to practice by:
 - State Bar of Texas (2001).
 - Supreme Court of the United States (2007).
 - United States District Court, Northern District of Texas (2006).
 - United States District Court, Eastern District of Texas (2006).
 - Selected as a “Rising Star” by Texas Super Lawyers/Texas Monthly Magazine, 2007 & 2008.
 - Selected as a “Top Attorney” by Fort Worth, Texas Magazine, December 2006 and December 2007 issues.
 - Master (and founding member) – Texas Tech University School of Law American Inn of Court (2012-2021) (nationally recognized “Outstanding Program Award” in 2020; local “Best Presentation of Year” award received by table in 2017 and 2019).
 - Barrister – Eldon B. Mahon American Inn of Court (2007-08).
 - Member – American Bar Association (2001-present).
 - Member – Lubbock Area Bar Association (2008-present).
 - Member – Tarrant County Bar Association (2001-08).
 - Member – Tarrant County Young Lawyers Association (2001-08).
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