

JOSEPH MICHAEL HNYLKA

Nova Southeastern University
Shepard Broad College of Law
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PROFESSIONAL EXPERIENCE:

Professor, Nova Southeastern University, Shepard Broad College of Law
July 2008 to present

Responsibilities:

Teaching Legal Research and Writing I and II, Torts, Remedies, Jurisprudence, and Judicial Opinion Writing.

Publications:

Contract Remedies Need Not Undercompensate Aspiring Parents When Cryopreserved Reproductive Material Is Lost Or Destroyed: Recovery of Consequential Damages for Emotional Disturbance When Breach of Contract Results in the Lost Opportunity to Become Pregnant with One's Own Biological Child, 35 J. L. & HEALTH 99 (2021).

Restatement (Third) of Torts section 47(b) Bypasses Traditional Barriers and Offers Aspiring Parents a Clear Path to Recover Stand-Alone NIED when their Cryopreserved Reproductive Material is Lost or Destroyed, 46 AM. J. L & MED 337 (Issue 4, Nov. 2020).

Continuing To Litigate After You Have Won: Courts Defy Article III to Avoid Mooting TCPA Class Actions, Despite Defendants' Rule 68 Offers of Complete Relief, 64 DRAKE L. REV. 381 (2016).

California Drops the Ball: The Lack of a Clear Approach to Recklessness in Sport Injury Litigation, 11 VA. SPORTS & ENT. L.J. 77 (Fall 2011).

National Committees:

Association of Legal Writing Directors, New Member Outreach Committee, member 2017-2018

Association of Legal Writing Directors, By-Laws and Rules Committee, member 2012-2013

Association of Legal Writing Directors, Scholarship and Grants Committee, member 2012-2013

Presentations:

- Bluebook Interactive Citation Workshop, Lead point-person, NSU Shepard Broad College of Law, Annually, October 2012-2024 Fort Lauderdale, FL
- Critiquing Workshop, Group Leader Legal Writing Institute, National Biennial Conference, July 2016 Portland, OR
- Incorporating Social Justice into the LRW Classroom, Legal Writing Institute, National Biennial Conference, July 2016 Portland, OR
- Renewing our Spirit in 2016 and Beyond: Have Declining Enrollment, Faculty Downsizing, and Increased Course Load Expectations Changed the Way We Teach Legal Writing and Altered How We View Ourselves as Legal Writing Professionals? Rocky Mountain Legal Writing Conference, March 2016 Tucson, AZ
- Beginners Need the Basics, and The Basics Haven't Changed: The Benefits of the Old-Fashioned in Building Foundational Skills. Rocky Mountain Legal Writing Conference, March 2015 Albuquerque, NM
- Teaching and Assessing Legal Research Skills in 2014 -- Pitfalls, Problems, and Strategies for Success Rocky Mountain Legal Writing Conference, March 2014 Las Vegas, NV
- Reduce, Reuse, Recycle, Relax: Breathing New Life into Old Assignments Rocky Mountain Legal Writing Conference, March 2013 Boulder, CO
- Incorporating Writing Skills into other Courses Rocky Mountain Legal Writing Conference, March 2012 Tempe, AZ
- Let's Make a Deal: Incorporating Negotiations into Legal Research and Writing Central States Legal Writing Conference, September 2011 Chicago, IL
- Putting Theory into Practice: Re-Structuring the Legal Writing Curriculum to Reflect the Realities of the Law Firm Collaborative Writing Model Society of American Law Teachers Conference, December 2010 Honolulu, HI
- The Effectiveness of Peer Review Rocky Mountain Legal Research and Writing Conference, March 2010 Tucson, AZ
- Integrating Rules of Professional Conduct into a First-Year Legal Writing Course

Rocky Mountain Legal Research and Writing Conference, March 2009
Tempe, AZ

Assistant Professor, Gonzaga University School of Law
August 2002 to June 2008

Responsibilities:

Taught first and second year students legal research, writing, and analysis.

Accomplishments:

- Coordinated Linden Cup Appellate Advocacy Competition for second-year law students and worked with other faculty members to create the appellate problem and bench brief.
- Developed writing assignments to teach legal writing skills, including large and small scale organization, use of statutory law and case law, development of facts, proper citation form, persuasive and objective writing styles.
- Created on-line research assignments to familiarize students with the latest developments in computerized research.
- Coached Jessup International Law Competition team and organized practice rounds.

Presentations:

- Case Analogy and Distinction Workshop
Southeast Legal Writing Conference, September 2007
Fort Lauderdale, FL
- Case Synthesis
Pacific Northwest Legal Research and Writing Conference, August 2007
Spokane, WA
- Case Synthesis: A Three Step Approach.
Rocky Mountain Legal Research and Writing Conference, March 2007
Las Vegas, NV
- Plagiarism Workshop
Rocky Mountain Legal Research and Writing Conference, March 2006
Tucson, AZ
- Co-participant Tort Liability in Sports
Loyola Sports Law Institute, February 2006
Los Angeles, CA

Instructor of Law, University of the Pacific, McGeorge School of Law
August 1996 to August 2000

Responsibilities:

Taught first-year and graduate foreign students legal research, writing, and analysis.

Accomplishments:

- Created introductory course to teach graduate foreign students common law analysis, statutory analysis, and legal research and writing.
- Designed assignments involving current legal issues which required students to integrate legal research, legal analysis, and legal writing skills.
- Worked with students on an individual basis to provide personalized instruction and feedback on assignments.

Instructor of Law, University of San Diego School of Law

August 1992 to August 1996

Responsibilities:

Taught first-year law students legal research and writing, appellate advocacy, and legal analysis.

Accomplishments:

- Worked with other faculty to coordinate legal research and writing assignments with lectures in torts, criminal law, and civil procedure classes.
- Revised curriculum and drafted new course materials, including new lecture outlines and classroom exercises for use by instructors in the legal research and writing program.
- Coordinated annual appellate moot court exercise for first year students which required students to research, brief and argue a case in front of local attorneys.

Associate, Daley and Heft, Solana Beach, California

April 1990 to August 1992

Responsibilities:

Managed and conducted all aspects of civil litigation at trial and appellate court levels. Represented local municipalities in complex federal and state litigation.

Accomplishments:

- Successfully argued that the doctrine of "reasonable implied assumption of the risk" survived the adoption of comparative fault in California in Knight v. Jewett, 3 Cal. 4th 296, 834 P.2d 696, 11 Cal. Rptr. 2d 2 (1992). Co-authored appellate brief to the California Supreme Court.

- Successfully negotiated \$350,000 settlement of highly publicized, multi-million-dollar civil rights lawsuit filed by police union against municipality, city manager, chief of police and several police officers.
- Obtained dismissal without payment of damages in complex land subsidence lawsuit against local municipality.
- Obtained \$280,000 settlement from a national insurance company in breach of contract lawsuit filed on behalf of municipality.
- Resolved numerous complex civil rights and personal injury lawsuits without payment of damages; successfully concluded many actions through litigated dismissals and summary judgments.

Associate, Wolf & Leo, Los Angeles, California
 September 1988 to April 1990

Responsibilities:

Managed and conducted all aspects of civil litigation at trial court level. Practiced civil litigation with emphasis on insurance coverage, bad faith, professional liability and personal injury.

EDUCATION:

J.D. May 1988
 University of San Diego School of Law

- Executive Editor, San Diego Law Review, 1987 to 1988
- American Jurisprudence Awards, Federal Jurisdiction and Criminal Procedure, 1987
- Member, Phi Alpha Delta Law Fraternity

B.A. June 1983
 Ohio State University, Columbus, Ohio

- Dean's List
- Pro/Con Debate Team
- University Government Legislative Affairs Committee
- Study Abroad Program, Oxford University, England

PROFESSIONAL STATUS:

- Admitted to the State Bar of California, 1988
- Admitted to the State Bar of Ohio, 1993

- Admitted to all United States District Courts of California, 1988
- Admitted to the United States Court of Appeal for the Ninth Circuit, 1988