

ERIC A. ZACKS

Wayne State University Law School
471 West Palmer Street
Detroit, MI 48202
(313) 577-0508
ezacks@wayne.edu

EMPLOYMENT

WAYNE STATE UNIVERSITY LAW SCHOOL Detroit, MI
Associate Professor of Law, August 2016-Present
Assistant Professor of Law, August 2010-July 2016

- Courses taught: Contracts, Corporations, Mergers and Acquisitions, Securities Regulation, Corporate Finance, and Transactional Law Competition

HONIGMAN MILLER SCHWARTZ AND COHN LLP Detroit, MI
Corporate and Securities Department
Partner, January 2007-June 2010
Associate, September 2002-December 2006
Summer Associate, May 2001-August 2001

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C. Detroit, MI
Summer Associate, May 2000-August 2000

EDUCATION

HARVARD LAW SCHOOL Cambridge, MA
Juris Doctor, June 2002

- *Magna Cum Laude*
- 2000 Williston Contracts Competition, 2nd Place
- HARVARD JOURNAL OF LAW AND PUBLIC POLICY, Staff (1999-2000)

UNIVERSITY OF MICHIGAN Ann Arbor, MI
B.A. in Political Science, December 1998

- Graduated with High Distinction
- Pi Sigma Alpha, Political Science Honor Society
- Sigma Iota Rho, Honor Society for International Studies
- Phi Beta Kappa

TEL AVIV UNIVERSITY
Spring 1998

Tel Aviv, Israel

- Studied Israeli Politics, Hebrew and Israeli Ecology during semester abroad

PUBLICATIONS

Works in Progress

- *Defining, Disclaiming, and Determining Fraud in Contract*
- *Social Sciences and Contract Law Theory*

Casebook

- CONTRACTS IN CONTEXT: FROM TRANSACTION TO LITIGATION, Aspen Publishers (Wolters Kluwer) (2019) (with Nadelle Grossman)

Articles

- *Contract Consentability: Autonomy Threats, Benefits, and Framing*, 66 LOY. L. REV. 103 (2020)(symposium piece)
- *Yesterday I Was Lying: Creeping Preclusion of Reciprocal Fee Awards in Residential Foreclosure Litigation*, 93 ST. JOHN'S L. REV. 1147 (2019) (with Dustin A. Zacks)
- *No Brakes: Loan Acceleration and Diminishing Foreclosure Defenses*, 18 WAKE FOREST J. BUS. & INTELL. PROP. L. 389 (2018) (with Dustin A. Zacks)
- *The Restatement (Second) of Contracts §211: Unfulfilled Expectations and the Future of Modern Standardized Consumer Contracts*, 7 WM. & MARY BUS. L. REV 733 (2016)
- *The Moral Hazard of Contract Drafting*, 42 FLA. ST. U. L. REV. 991 (2015)
- *A Standing Question: Mortgages, Assignment and Foreclosure*, 40 J. CORP. L. 705 (2015) (with Dustin A. Zacks)
featured in Keeping Current, 29 PROBATE & PROPERTY 17 (Sept./Oct. 2015)
- *Contract Review: Cognitive Bias, Moral Hazard, and Situational Pressure*, 9 OHIO ST. ENTREPREN. BUS. L.J. 379 (2015)
- *Not a Party: Challenging Mortgage Assignments*, 59 ST. LOUIS U. L.J. 175 (2014) (with Dustin A. Zacks)
cited in Yvanova v. New Century Mortg. Corp., 62 Cal. 4th 919 (2016)

- *Shame, Regret, and Contract Design*, 97 MARQ. L. REV. 695 (2014)
featured on ContractsProf Blog:
http://lawprofessors.typepad.com/contractsprof_blog/2014/06/the-immorality-of-disclosure-and-contract-design.html
- *Contracting Blame*, 15 U. PA. J. BUS. L. 169 (2012)
featured on The Situationist:
<https://thesituationist.wordpress.com/2013/03/09/contracting-blame/>
featured on ContractsProf Blog:
http://lawprofessors.typepad.com/contractsprof_blog/2014/06/the-immorality-of-disclosure-and-contract-design.html
- *Unstacking the Deck? Contract Manipulation and Credit Card Accountability*, 78 U. CIN. L. REV. 1471 (2010)
- *Dismissing the Class: A Practical Approach to the Class Action Restriction on the Legal Services Corporation*, 110 PENN ST. L. REV. 1 (2005) (with Joshua D. Blank)
reprinted in CLASS ACTION LITIGATION AND LIMITATIONS (Icfai University Press, 2008)
cited in Brief of Amici Curiae The Legal Aid Society of The District Of Columbia and National Consumer Advocacy Organizations in support of Respondents, *AT&T Mobility LLC v. Vincent & Liza*, 2010 U.S. S. Ct. Briefs LEXIS 1931
cited in Brief of Amici Curiae Public Justice, P.C., The National Association Of Consumer Advocates and The National Consumers League in support of Respondent, *Wal-Mart Stores v. Dukes*, 2011 U.S. S. Ct. Briefs LEXIS 291

PRESENTATIONS

- Presenter, *Business Judgment Rule and Corporate Oppression Pleadings*, Third Annual Symposium on Corporate Actions and Business Law Oppression in the Age of Pandemic, Troy, MI (November 11, 2020)
- Presenter, *Contract Consentability: Autonomy Threats, Benefits, and Framing*, 15th Annual International Conference on Contracts, University of the Pacific McGeorge School of Law, Sacramento, California (February 22, 2020)
- Presenter, *Fee-Shifting Provisions in Foreclosures*, The Law and Society Association 2018 International Meeting, Toronto, Canada (June 7, 2018)
- Presenter, *Fee-Shifting Provisions in Foreclosures*, 13th Annual International Conference on Contracts, Barry University Dwayne O. Andreas School of Law, Orlando, FL (February 23, 2018)
- Presenter, *Fee-Shifting Provisions in Foreclosures*, 2017 Midwestern Law & Economics

Annual Meeting and Conference, Marquette University Law School, Milwaukee, WI (October 21, 2017)

- Presenter, *The Statute of Limitations, Res Judicata, and Acceleration Clauses in Mortgage Foreclosures*, 12th Annual International Conference on Contracts, Southwestern Law School, Los Angeles, CA (February 22, 2017)
- Presenter, *The Restatement (Second) of Contracts §211: Unfulfilled Expectations and the Future of Modern Standardized Consumer Contracts*, The Law and Society Association 2016 International Meeting, New Orleans, LA (June 2, 2016)
- Presenter, *The Restatement (Second) of Contracts §211: Unfulfilled Expectations and the Future of Modern Standardized Consumer Contracts*, Faculty Workshop, Marquette University Law School, Milwaukee, WI (April 11, 2016)
- Presenter, *The Restatement (Second) of Contracts §211: Unfulfilled Expectations and the Future of Modern Standardized Consumer Contracts*, 11th Annual International Conference on Contracts, St. Mary's University School of Law, San Antonio, TX (February 26, 2016)
- Presenter, *Contract Review: Cognitive Bias, Moral Hazard, and Situational Pressure*, The Law and Society Association 2015 International Meeting, Seattle, WA (May 29, 2015)
- Presenter, *Bonding and Contract Drafting*, 10th Annual International Conference on Contracts, Williams S. Boyd School of Law, Las Vegas, NV (February 27, 2015)
- Presenter, *The Moral Hazard of Contract Drafting*, The Law and Society Association 2014 International Meeting, Minneapolis, MN (June 1, 2014)
- Presenter, *The Moral Hazard of Contract Drafting*, 9th Annual International Conference on Contracts, St. Thomas University School of Law, Miami Gardens, FL (February 22, 2014)
- Presenter, *The Moral Hazard of Contract Drafting*, ClassCrits VI Symposium – Stuck in Forward?, Southwestern Law School, Los Angeles, CA (November 16, 2013)
- Presenter, *Shame, Regret, and Contract Design*, The Law and Society Association 2013 International Meeting, Boston, MA (June 1, 2013)
- Presenter, *Shame, Regret, and Contract Design*, 8th Annual International Conference on Contracts, Texas Wesleyan University School of Law, Fort Worth, TX (February 22, 2013)
- Presenter, *Shame, Regret, and Contract Design*, Faculty Workshop, Case Western Reserve University School of Law, Cleveland, OH (January 31, 2013)
- Presenter, *Shame, Regret, and Contract Design*, Central States Law Schools Association 2012 Scholarship Conference, Cleveland-Marshall College of Law, Cleveland, OH (October 19, 2012)
- Presenter, *Contracting Blame*, 7th Annual International Conference on Contracts,

Thomas Jefferson School of Law, San Diego, CA (March 2, 2012)

- Presenter, *Contracting Blame*, Faculty Workshop, University of Toledo College of Law, Toledo, OH (January 27, 2012)

SERVICE

Teaching Awards

- 2013 Donald H. Gordon Award for Excellence in Teaching at Wayne State University Law School
- 2013 Professor of the Year, as voted by the second and third year students at Wayne State University Law School
- 2012 Professor of the Year, as voted by the second and third year students at Wayne State University Law School

Law School Service

- Faculty Director, LL.M. Program, 2020-2021
- Chairperson, Business and Entrepreneurship Committee (2012-2013, Winter 2014, 2014-2015, Winter 2016, Fall 2016, 2017-2018)
- Chairperson, Ad Hoc Business and Entrepreneurship Committee (2011-2012)
- Chairperson, Career Services Committee (2017-2018, 2018-2019, 2019-2020, 2020-2021)
- Career Services Committee (2012-2013, Winter 2014, 2014-2015, 2015-2016, Fall 2016)
- Budget Advisory Committee (2018-2019, 2019-2020; 2019-2020; 2020-2021)
- Legal Writing Committee (2018-2019)
- Academic Affairs Committee (2011-2012, Winter 2014, 2014-2015)
- Strategic Planning Committee (2015-2016)
- Scholarships Committee (2015-2016, Fall 2016)
- Clinical Programming Subcommittee (Winter 2016; 2019-2020; 2020-2021)
- Graduate Studies Committee (2010-2011)
- Faculty Advisor to Jewish Law Student Association (2012-2016)
- Faculty Advisor to Wayne State Transactional Law Team (2012-2020)(Founder)

- Faculty Advisor to Wayne State Health Law Transactional Team (2011)
- Faculty Advisor to Wayne Law Review comment/note student authors and LLM thesis student authors (2010-2021)

Other Service

- Business Law Section Council, State Bar of Michigan (term expires 2022)